

DEUS EX MACHINA

LAW-TECHNOLOGY-HUMANITIES
CONFERENCE

11 - 14 DECEMBER
QUT
BRISBANE, AUSTRALIA

PHOTO BY UKRAINIAN ARTIST MARJANBLAN | @MARJANBLAN ON UNSPLASH

Welcome To Deus Ex Machina

This conference was an accident. It was not planned that the Human Technology Law Centre nor the Law Technology and Humans journal to host a conference in 2023.

It's all Mitchell Travis' fault.

Mitch, together with Alex Green and myself have been coordinating the Jurisprudence of the Future project over the past few years (indeed there was a panel with that name at the 2021 Law and Love prequel LLHAA conference at University of the Sunshine Coast). Over this year we have been working with contributors on two edited volumes. We had a panel for those in the North in Rome in May and I planned and promised to contributors to host a similar one in the South later in 2023. This conference mutated from that commitment. Or more precisely the god was winched in by crane to deem it to be so.

I have been astounded at the reception that this conference with the theme of law, technology and humanities has generated. My initial modest expectations that a conference organised for the week before Christmas and without the resources to be a proper digital hybrid event were soon dashed. People had things to say, research to share and a desire to be in life rather than onlife.

Conferences like this can never be solo affairs. Foremost I would like to extend my very appreciative thanks to Tim D Peters President of the Law, Literature and Humanities Association of Australasia whose support and generosity is bountiful and generous. I would also like to thank all the members of the organising committee who put up with regular meetings and provided fantastic advice, suggestions and guidance.

Brooke Stone	Nicholas Korpela
Dale Mitchell	Laura Petersen
Beth Streten	Sean Mulcahy
John Flood	Shane Chalmers
Kathleen Birrell	Valeria Vazquez Guevara
Lachlan Robb	Tim D Peters

I would especially like to thank Laura, Valeria and Nic on the thought and work put into organising a fantastic Postgraduate Day on 11 December. I would also like to thank Mel Davies from Griffith University for assistance with organising the reception and book launch at the Ships Inn on 12 December.

Within QUT, the idea of hosting this conference was met with enthusiasm. The Assistant Dean Research for the Faculty of Business and Law, Professor Paula McDonald provided some seed funding for the Postgraduate day and within the Law School, the Head of School Professor Sharon Christensen green lit the conference and allowed Law Technology and Humans to fund one of the keynote presenters. I have also been really pleased at the professionalism, responsiveness and proactivity of various teams within QUT, room booking, QUTPay, and IT support, who worked with us in setting up the conference infrastructure.

Finally, many thanks to all the participants for believing and committing to this conference. I know that together we can dream, plan and work towards better futures.

Kieran Tranter,

Chair Law, Technology and Future, School of Law QUT



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Wifi

QUT Wifi

Wifi for the conference is supplied through QUT – simply follow this link to sign up. This can be done in advance.

<https://qut.vostro.live/> -

Getting Around Gardens Point Campus

All sessions are held in Z Block.

<https://www.qut.edu.au/about/campuses-and-facilities/maps-and-getting-here>



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About the Law, Literature and Humanities Association of Australasia

The Law, Literature and Humanities Association of Australasia (LLHAA) is the premier organisation for scholars within Australia, New Zealand and the Asia-Pacific investigating the intersections between law and culture.

LLHAA is a welcoming, engaged and ever-evolving community of scholars encountering questions of law and jurisprudence through interdisciplinary research. The LLHAA welcomes members at all stages in their academic career from any discipline interested in law, jurisprudence, art, culture, history or society. Our membership is diverse and includes legal and non-legal academics, artists, lawyers, historians, students, early career researchers and pioneers in interdisciplinary studies.

We provide platforms for researchers to connect with their peers. Whether it is our biennial conference or through our website, the LLHAA allows you to stay informed – and share – the latest happenings in our scholarly community. We recognise research excellence and provide a space for ideas and research to be shared. Through the Penny Pether Prize and the biennial conference, the Association provides a platform to showcase and recognise high-quality interdisciplinary research. The LLHAA promotes future scholars through bursaries, mentorship and postgraduate workshops. Students are encouraged to share their research with our members through the LLHAA blog and are an active part of our research community.

Management Committee

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School of Law and Society, University of the Sunshine Coast

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Faculty of Law, The University of Hong Kong

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Day Session Schedule DEM23-LLHAA Conference

11 December - HDR Day

Gibson Room Z Block Level 10, QUT Gardens Point Campus

9:30-10:00	Set up/coffee
10:00-10:40	<p>Welcome and Logistics – Organisers</p> <p>Welcome to LLHAA - Tim D Peters, President, LLHAA</p> <p>Session 1 “Getting to know you”</p> <p>Don’t worry! We won’t put you on the spot, or make you summarize your research in a captivating way. The aim of today’s event is for you to feel part of the LLHAA community just as you are. Bring your ‘raw’ experiences, ideas, concerns, dreams, disappointments, or questions about the joys and challenges of being a postgraduate student (we won’t tell your supervisor!). We hope that at the HDR Day you can feel part of a new community of colleagues and friends with whom to have fun at the 2023 conference and be fellow travellers during your degree and life beyond it.</p> <p>Moderated by Nicholas Korpela (QUT) and organisers</p>
10:40-11:00	Morning Tea
11:00-11:55	<p>Session 2 “How we do what we do”</p> <p>Method, or methodology? Interdisciplinarity, transdisciplinary, or cross-disciplinarity? The panellists (and moderator) in this session have grappled with some of these questions and thought long and hard about how we do what we do when we do ‘law and...’ scholarship. They have examined the relationships between law and art, law and performance, law and contemporary theatre, and the relationship between law, culture and new technologies, to name a few examples. This session will have something for everyone concerned with questions of method, the possibility of creativity in legal research, or with questions about the rewards and challenges of developing an ‘un/disciplined’ research thesis. The panellists will share their experiences experimenting with, and contributing to, scholarship on and between culture and law.</p> <p>Panellists: Shane Chalmers (HKU), Kate Leader (QMU), Sean Mulcahy (La Trobe), Kylie Pappalardo (QUT)</p> <p>Moderated by Laura Petersen (Lucerne)</p>
11:55-12:05	Comfort Break
12:05-1:00	<p>Session 3 “Publishing and (not) perishing”</p> <p>Law and humanities research can be exciting, challenging, and full of creative possibilities. Yet, postgraduate students are (highly) encouraged to publish. So, the question is: does law and humanities scholarship get published? If so, how and where? The panellists (and moderator) in this session will share their experiences writing,</p>

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	<p>collaborating, managing leading journals (eg., Griffith Law Review, Australian Feminist Law Journal, Law, Text, Culture), and successfully publishing law and humanities articles, monographs and edited collections. At the same time, life kept going with personal or institutional career expectations, caring and family responsibilities, relocations to new cities, or even moving homes across continents. The panel might not offer definitive answers, but we hope the conversation will inspire your academic journey!</p> <p>Panellists: Karen Crawley (Griffith), Maria Giannacopoulos (UNSW), Cassandra Sharp (Wollongong)</p> <p>Moderated by Valeria Vázquez Guevara (HKU)</p>
1:00-2:15	Lunch
2:15-3:00	<p>Session 4 “Mentoring – small group discussion”</p> <p>In this session, we offer participants the opportunity to meet and have informal conversations with law and humanities scholars in a small group setting. The aim is to provide a low-key space to ask questions and share reflections</p>
3:00-3:30	Afternoon Tea
3:30-5:00	<p>Open Session – Roundtable</p> <p>***OPEN TO ALL CONFERENCE PARTICIPANTS***</p> <p>“Law, Technology and the Humanities in Conversation”</p> <p>How (and why) is law and the humanities scholarship connected to technology (or not?) What is at stake when law meets technology and the humanities? Can law and disciplines across the humanities afford to not engage with questions of new technologies to survive in the modern university? This session brings together leading scholars to discuss some of the most pressing questions at the intersection of law, humanities and technology, and their implications for an ever-changing world.</p> <p>Panellists: Edwin Bikundo (Griffith), Kathleen Birrell (La Trobe), Faith Gordon (ANU), Kieran Tranter (QUT), Mitch Travis (Leeds)</p> <p>Moderated by Tim D Peters</p>
5:30	<p>Finale</p> <p>Mr Edwards Ale House</p> <p>https://www.mryum.com/mr-edwards</p> <p>46 Edward St, Brisbane City QLD 4000</p>

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Day Session Schedule DEM23-LLHAA Conference

12 December First Day of Conference

8:30-9:00 Gibson Room Z Block Level 10	Set up/coffee			
9:00-9:25 Plenary 1 Z Block Level 4, Theatre 406	Conference Opening <ul style="list-style-type: none"> Welcome to Country– Elder Jody Currie – QUT Elder-in-residence Welcome to Conference – Professor Sharon Christensen, Head of School, School of Law, QUT Conference Notes –Kieran Tranter 			
9:25-10:45 Keynote 1 Z Block Level 4, Theatre 406	Chair: Tim D Peters Associate Professor Mitchell Travis Dystopia Now			
10:45-11:15 Gibson Room Z Block Level 10	Morning Tea			
11:15-12:45 Panel Session 1	Stream	Chair	Presenters	Paper
	Disruptive Legalities in More-than-Human Societies Z Block Level 4 Room 13 (Z413)	Kathleen Birrell	Lachlan Hoy	Challenging Sustainability and Degrowth Discourses with a Dialectic of Metabolic Exchange
			Angela Smith	Air Power, Authority and the Elemental Border
			Jonathan Crowe	Deus ex anima: Levinas on the ethical trace of God in the natural world
	Jurisprudence of the Future: Speculative Subjects and Fantastic Personhood Z Block Level 6 Room 6 (Z606)	Daniel Hourigan	Chris Dent	There is No "I" in Law: The Past and Future of Legal Authority and Subjects
			Quinn Edwards	Digital Monsters to Digital Persons: a Cultural Legal Analysis of the Bundle Theory of Personhood
			Jeffrey Thomas	Humans? Artificial Intelligence as Depicted in the UK television series "Humans"

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			Morgan M. Broman (co-authors Pamela Finckenberg-Broman, Susan Bird)	Avatars, Cyberconjunctions & Legal personhood
	Cultural Legalities of Corporate Technologies: Life, Death, and Immortality: Temporal Technologies of the Corporate Form Z Block Level 6 Room 7 (Z607) Zoom Meeting ID: 825 3353 6771 https://qut.zoom.us/j/82533536771?pwd=Rkx3R3R3ZGFEa2lySzBBcTN3S205QT09 Password: 342908	Tim D. Peters	Jordan Belor	Corporations, Perpetual Succession, and the Body: A Cultural Legal Reading of Technological Immortality in Netflix's Altered Carbon
			André Dao	100 Years of IBM: Cultural Techniques for Imagining the Corporate Community
			Penny Crofts (co-author Honni van Rijswijk)	Fates worse than death: routine horror in the corporate workplace
	AFLJ Celebration: Gender and judging Z Block Level 3 Room 8 (Z308)	Angela Kintominas	Mehera San Roque (co-authors Melissa Kemble, Lindsey Stevenson, Elma Akand, Yanan Fan, Wayne Wobke)	Gendered Machine Learning and Biased Judgments
			Jo Stagg	Mutilation and mutable bodies: Constructions of (un)acceptable genital mutilation in The Queen v A2
			Garima Tiwari (co-author Suman Luhach)	The Evolving Paradigm of Feminist Legal Scholarship in India: An Overview of the Apex Court's Agency in the Alternative Discourse
			Elizabeth Rajapakshe	The Ethics of Care, 'Moral Madness', and Judicial Decisions: The Portrayal of Women Judges in the Japanese TV Show "Ichikei No Karasu"
	Imagining Futures Z Block Level 2 Room 8 (Z208)	Faith Gordon	Sophie Rigney	A Better 'Happily Ever After' – Children's Stories as a Training in International Law, and Seeking Different Relations with Our Children
			Temitope Lawal	Rethinking Jurisdictional Restrictions on Cross Border Practice of Law

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				Through a Soft Technological Deterministic Approach Brydon Wang Trustworthy Visibility Regimes: Signals of Benevolence in transparency, consensus mechanisms and seams in dataveillance and automated decision-making Evie Kendal Society is just people, and the law is just their club rules: What utopian science fiction can teach us about alternative legal systems for off-world human settlements
	Archiving atrocities: Roundtable: What remains? Archives, performance and law Z Block Level 3 Room 9 (Z309) Kate Leader Danish Sheikh Sean Mulcahy Maria Elander			
12:45-1:45 Gibson Room Z Block Level 10	Lunch Q+A with Lex Machina Artist Brydon Wang Gibson Room Z Block Level 10			
1:45-3:15 Panel Session 2	Stream Decolonial futures Colonial Legal Imaginaries Southern Literary Futures Z Block Level 6 Room 6 (Z606) Zoom Meeting ID: 831 8021 0736 https://qut.zoom.us/j/83180210736?pwd=VDhMVGxjWmhoOVpiYmxMYTI5TDZxZz09 Password: 814468	Chair Maria Giannacopoulos	Presenters Shane Chalmers (co-author Desmond Manderson) Luis Gómez Romero Desmond Manderson Honni van Rijswijk	Paper Colonial Legal Imaginaries Southern Literary Futures On the True Men and Women, and Rebel Beetles: Utopia as Revolutionary Method and Practice in the Zapatista Tales of Subcomandante Galeano (formerly Marcos) Curzon's Tigers The Drover's Wife, The Legend of Molly Johnson: Leah Purcell's reclaiming of a colonial fetish

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	General Z Block Level 6 Room 7 (Z607)	Byrdon Wang	Heloisa de Carvalho Feitosa Valadares	Informational society, regulation, and legal future: a comparison between privacy in Brazil and Australia and the paths to data protection in the digital ubiquity era
			Judith McNamara and Rachel Hews (co authors Katie Woolaston, Bridget Lewis)	Using legal design to integrate sustainable development goals in law curricula
			Vai lo Lo	Technology and Artificial Intelligence in Law Teaching: Benefits and Risks
	Digital disruption and legal futures: Decentring and automating the ledger Z Block Level 3 Room 8 (Z308)	John Flood	Alvin Hoi-Chun Hung	DAO as Rhizome: Reimagining Rules, Governance, and Organisations
			Lauren Bellamy (co-author Lachlan Robb)	Are Digital Blockchain Assets Property? Australian Property Law and Technology Regulation
			Sarah Deeb	Misogyny of the Digital: A Legal Feminist Perspective
			Olivia Sewell (co-author Lachlan Robb)	Semiotics of Blockchain
	Jurisographies Z Block Level 4 Room 13 (Z413)	Dale Mitchell	Shaun McVeigh (co-author Ann Genovese)	Jurisographies and Techniques of Cultural Legal Study (Australia)
			Laura Petersen	Making an Impression: Käthe Kollwitz and the Art of the Woodcut
			Marett Leiboff	Theatrical Jurisprudence and the knowing legal body
			Kim Weinert	Animal Kingdom: speech and speech acts as violence
	Digital Disruption of and Legal Futures: Data and Flows Z Block Level 2 Room 8 (Z208)	Rene Cornish	Rahul Sinha Roy (co-author Mathew Ball)	Local tragedies of global apps: Gay dating platform-enabled victimisation in India
			Scott Kiel-Chisholm	A Glimpse into Risks of the Emerging World of Brain-Computer Interface
			Erin Sheley	Social Media as Narrative Morality in Prosecutorial Decision-Making
			Diana Girle	Tracing the contextual factors that shape the use of workplace wearables

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	Uncovering the human: Exploring tax theory, Invisible taxes, and tax impact on Aussie battlers Z Block Level 3 Room 9 (Z309)	Bikalpa Rajbhandari	Jonathan Barrett Mark Bowler-Smith Thea Voogt	Invisible Cities, Invisible Taxes An Information-Theoretic Approach to Business Taxation perspective Drought and Taxes: The Battler's Journey to Self-Reliance
3:15-3:45 Gibson Room Z Block Level 10	Afternoon Tea			
3:45-5:15 Panel Session 3	Stream	Chair	Presenter	Paper
	AFLJ Celebration: Feminism and the International Z Block Level 4 room 13 (Z413) Zoom Meeting ID: 890 3815 4629 https://qut.zoom.us/j/89038154629?pwd=Yk8xREpkM0hiV20vWXhabnE5ZjNwZz09 Password: 952031	Joanne Stagg	Sevda Clark (co-author Guarneros-Sanchez) Inês Espinhaço Gomes Anmol Kaur Nayar (co-author Anuradha Jha) Claerwen O'Hara (co-author Cris van Eijk)	Making an Issue: Personal Reflections on Presenting to the UN on Australia's Implementation of the Women's Convention 'I am strong, I am invincible, I am woman': A Commentary of the Semenya vs. Switzerland Case Women and International Trade - An Unnecessary Dichotomy Waiting to be Broken On Straightening and Subversion: A Queer Feminist Exploration of International Space Law and Politics
	Archiving atrocities: Technologies of time Z Block Level 6 Room 6 (Z606)	Valeria Vázquez Guevara	Shannon Fyfe (co-author Jesse Kirkpatrick). Richimoni Proma Meribah Rose	Strong Men, Vulnerable Archives Accomplishing Justice and Recognition through Digitalisation of Arts and Crafts. An Archive of Care: The body as a call for justice in the films of Pedro Almodovar
	Jurisprudence of The Future: Entanglements Z Block Level 6 Room 7 (Z607)	Kieran Tranter	Melissa de Zwart (co-author Stacey Henderson) Dale Mitchell	International law in outer space: protecting against 'evil' corporate actors Wake Up, Sleeper": Finopower and mute compulsion in the ludology of Citizen Sleeper

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			Jocelynne A. Scutt	Serial Killers or Science Fiction Prototypes for a New and Better World? Revisiting Dr Frankenstein and 'the Creature', Dr Jekyll and Mr Hyde
			Emily Muir	Life on the Front Line: Just War Theory and the Lives of Child Soldiers in Neon Genesis Evangelio
	Digital Disruption and Legal Futures: AI here and now Z Block Level 3 Room 8 (Z308) Zoom Meeting ID: 869 2385 0441 https://qut.zoom.us/j/86923850441?pwd=MHZ0TVZvdmJQOTI3Z3NSWlIPR3lZQT09 Password: 862698	Mark Brady	Maya Arguello Gomez	The Use of Artificial Intelligence (AI) Tools in Sentencing Terrorist Offenders: Legal and Ethical Implications
			Yi Li (co-author Rostam J Neuwirth)	The Regulation of 'Artificial Intelligence' in the Time of Oxymora
			Ann-Katrien Oimann	Command Responsibility in the Age of AI: Balancing Theory and Practicality
	Generals Z Block Level 2 Room 8 (Z208)	Michael Guihot	Nofar Sheffi	Kdrama Llamas: On the Regulation of "Drama" on r/KDRAMA
			Mehak Rai Sethi (co-author Vandana Singh)	Splicing The Trichord of Technology, Plant Breeding and Agriculture: From The Lens of the Major Stakeholders In Northern India
			Bikalpa Rajbhandari	The Implications of the Consumer Data Right on the Empowerment of Farmers
	Author Meets Reader Anat Rosenberg The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity Z Block Level 3 Room 9 (Z309) Zoom Meeting ID: 837 0878 7365 Join from PC, Mac, Linux, iOS or Android: https://qut.zoom.us/j/83708787365?pwd=QnAxZUlwbitMQTZWZEVLYTZtRCs5dz09 Password: 400882	Tim D Peters and William P MacNeill	Author Meets Readers - discussion of Anat Rosenberg's The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity (Oxford University Press, 2022 – available open access here: https://academic.oup.com/book/44294)	
	5:30-7:30	Reception and Book Launch (Ship Inn) Griffith University Southbank Campus		

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13 December Second Day of Conference

8:15-8:45 Gibson Room Z Block Level 10	Set up/coffee			
8:45-10:15 Panel Session 4	Stream	Chair	Presenter	Paper
	Decolonial futures Imagining Decolonised Law Z Block Level 6 Room 6 (Z606)	Shane Chalmers	Edwin Bikundo	Law, Violence, Music, and Decolonising the Coronation Ceremony
			Maria Giannacopoulos	‘We’re doing everything but treaty’: Technologies of law reform in the colonial debtscape
			Luis Gómez Romero	A World Where Many Worlds Fit’: On the Zapatista Model of a Just Society
			Gina Masterton (co-authors Mark Brady and Kieran Tranter)	Whose Road Safety for Who?: Road Safety, Transport Injustice and Safe Mobility for First Nation Women
	AFLJ Celebration: Othering, political economy and coloniality Z Block Level 6 Room 7 (Z607) Zoom Meeting ID: 854 2614 6914 Join from PC, Mac, Linux, iOS or Android: https://qut.zoom.us/j/85426146914?pwd=RmdDQnI5MGFhNkJKzBtUU12QU NnUT09 Password: 695619	Sonia Qadir	Sarah Ailwood	Reimagining Australia and settler colonialism through feminist legal history
			Angela Kintominas	Bringing law back in: Theorizing the role of law in shaping the social reproduction bargain
			Nan Seuffert (co-author Aunty Barbra Nicholson)	Storytelling, Silence and Listening
			Sean Mulcahy and Kate Seear	Apprehending the ‘human’ in human rights: Recognising the subjects of drug – related laws from a feminist legal perspective
	Crisis and critique: Critical responses to technological and other disasters Z Block Level 3 Room 8 (Z308) Zoom Meeting ID: 859 8546 7870 Join from PC, Mac, Linux, iOS or Android: https://qut.zoom.us/j/85985467870?pwd=RmdDQnI5MGFhNkJKzBtUU12QU NnUT09	Desmond Manderson	Sarah Marusek (co -author Lachlan Robb)	Drivers of the Future: Roads as Othering Spaces
			Richard Mohr	The Time of Crisis: discourse and experience

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	wd=aGhkK05reEZSWVh5U0RKd2RPeVF6UT09 Password: 970341			
	Generals Z Block Level 3 Room 9 (Z309) Zoom Meeting ID: 860 4011 7147 https://qut.zoom.us/j/86040117147?pwd=VFRrR0tGMWhNK3YzYkdNTFM3SEhzQT09 Password: 204910	Kim Weinert	Veronica C. Hendrick	Justice Bao Stories: An Interesting Blend of Fact and Fiction
			Alicia Marsden	Staked Through the Hart: The Evolution of the Lex Vampirica
			Tamsin Paige	Resistance Breeds Contempt
			Julen Etxabe	The fantastical claim of authority
	Roundtable: Toward an ecosophical neighbourhood Z Block Level 4 Room 13 (Z413)	Alex Pelizzon Theresa Ashford		
	Workshop: Is your period tracking app as discreet as your best friend? Workshop part 1 of 2 Z Block Level 2 Room 8 (Z208)	Mark Burdon Rachel Hews Hayley Langsdorf Kim Langsdorf	Collaborate with us over two consecutive design sprint sessions to uncover the risks and opportunities of period-tracking apps. <ul style="list-style-type: none">This is a gender inclusive session: we welcome a diverse set of voices.Sessions 1 and 2 build on each other, but if you can only attend one session, that's ok. If you can't attend the sessions, there will be an opportunity to interact with our project during the conference. Keep an eye out for the relevant posters and QR codes.	
10:15-10:45 Gibson Room Z Block Level 10	Morning Tea			
10:45-12:00 Keynote 2 Z Block Level 4, Theatre 406	Chair Professor Cassandra Sharp Associate Professor Faith Gordon Deus Ex Machina: Children, Online Harms and the Theme Of 'Rescue'			
12:00-12:45	LLHAA Prizes (Z Block Level 4 Theatre 406) Convenors Shane Chalmers and Daniel Hourigan Zoom Meeting ID: 879 9005 3258 Time: Dec 13, 2023 08:00 AM Brisbane https://qut.zoom.us/j/87990053258?pwd=RXlCakh5TmJIZExjSTZxRnZHZUtoUT09 Password: 366745			

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12:45-2:00 Gibson Room Z Block Level 10	Lunch LLHAA AGM Z Block Level 4, Theatre 406			
2:00-3:30 Panel Session 5	Stream	Chair	Presenter	Paper
	Decolonial futures Security, Technology, Coloniality Z Block Level 6 Room 6 (Z606)	Maria Giannacopoulos	Siddharth Narrain	Facebook's Crowds and Publics: Contemporary Community Standards and the Legal Regulation of Hate Speech in Colonial India
			Sonia Qadir	Suspect Citizens to Suspected Terrorists: the Legal Politics of Pakistan's Terrorism Watch List in the disputed territory of Gilgit-Baltistan
			Kencho Peldon	The role of law in the transformation of colonial agricultural production in British Colonial India
			Shohini Sengupta	Political Economy of Information Technology Regulation in India: Impact of Coloniality on Technology Laws and Modern Legislative Practices
	Archiving atrocities: Technologies of truth Z Block Level 6 Room 7 (Z607)	Olivia Barr	Minh Le	Doing Justice to the Archive: Constructing the Victimhood through the Legal Order of Extraordinary Chamber in the Courts of Cambodia
			Maria Elander	Archival politics: The Khmer Rouge atrocity archives across spacetime
	Digital Disruption of and Legal Futures: Vision and Envisioning Z Block Level 3 Room 8 (Z308)	Lachlan Robb	Marc Trabsky	Virtual Autopsies: Machinic Vision in Death Investigations
			Ashley Pearson	Legal Embodiment in Virtual Reality Spaces
			Jan Mihal (co-author C. F. Black)	Past the Promethean Perspective: Protocols, Permission, Power
			Rene Cornish	Diabolus in Detail: The Semiotics of Hate in Social Media Communications
	Generals Z Block Level 3 Room 9 (Z309)	Jonathan Barrett	Amardeep Singh Sandhu (co-author Neelu Mehra)	The Jurisgenerative Role of Law and Society and its Influence on Shaping the

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				Consequences of COVID-19 Pandemic: A Comparative Study
			Tina Yao	Documenting Anti-Corruption Investigations
			Cath Brown (co-author Jenny Dickfos)	The Role of Technology in Insolvency: The good, the bad and the unknown
			Monica Lopez Lerma	Listening to the Acousmatic Trial
	Law Technology and Humans Symposium Launch/Roundtable Conditional Critical Z Block Level 4 Room 13 (Z413)	Tim. D. Peters	Francesco Contini Richard Mohr Jocelynn Scutt	
Workshop: is your period tracking app as discreet as your best friend? Workshop 2 of 2 Z Block Level 2 Room 8 (Z208)	Mark Burdon Rachel Hews Hayley Langsdorf Kim Langsdorf	Collaborate with us over two consecutive design sprint sessions to uncover the risks and opportunities of period-tracking apps. <ul style="list-style-type: none">This is a gender inclusive session: we welcome a diverse set of voices.Sessions 1 and 2 build on each other, but if you can only attend one session, that's ok. If you can't attend the sessions, there will be an opportunity to interact with our project during the conference. Keep an eye out for the relevant posters and QR codes.		
3:30-4:00 Gibson Room Z Block Level 10	Afternoon Tea			
4:00-6:30 Plenary 2 Z Block Level 4, Theatre 406	20 Minutes with the Devil Film Screening and Discussion with Luis Gómez Romero and Desmond Manderson (finishes 6:30) Z Block Level 4, Theatre 406			
7:00-	7:15 pm Dinner: The Jetty South Bank (Please note this event has a Separate Ticket)			

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14 December Third Day of Conference

8:30-9:00 Gibson Room Z Block Level 10	Set up/coffee			
9:00-10:30 Panel Session 6	Stream	Chair	Presenter	Paper
	Decolonial futures Foundational Fictions and Colonial Fantasies Z Block Level 6 Room 6 (Z606)	Shane Chalmers	Charlotte Gleghorn	Indigenous Cinematics: The Legal Lives of Indigenous Filmmaking in Abiyala/Latin America
			Emily Behzadi Cárdenas	Progressive Copyright Theory
			Amanda Alexander	Fantasy, Violence and International Law on the Borderlands
			Amy Hamilton	Decolonising character: reading Michelle de Kretser's 'The Life to Come' as a critique of 'good character'
	Jurisprudence of the Future: The Sovereign Strikes Back Z Block Level 6 Room 7 (Z607) Zoom Meeting ID: 829 3484 0669 https://qut.zoom.us/j/82934840669?pwd=cmJHUmZVRndvRDBRVIN1a1hoWW43dz09 Password: 583194	Chris Dent	Cassandra Sharp	Scythes v Thunderhead: The Battleground for Sovereignty in Neal Shusterman's Scythe
			Daniel Hourigan	Sovereignty and its Subversion in the Science Fiction of Ann Leckie
			Maira McMillan	The Three-Body Problem: Star-Pluckers, Justice Singer, and the Normative Continuum.
			Yeliz Figen Doker	Zeroth's Zest: A Deep Dive into Asimov's Overlooked Ethical Epicenter
	AFLJ Celebration: Feminism and the digital Z Block Level 3 Room 8 (Z308)	Claerwen O'Hara	Anastasia Karagianni	Gender in a Stereo-(gender)Typical EU Law: A Feminist-Queer Reading of the EU AI Law
			Maree Pardy	Bodies of Inconvenience
			Ann Genovese	A Reflection of the AFLJ at 30
	Digital Disruption and Legal Futures Z Block Level 3 Room 9 (Z309)	Heloisa de Carvalho Feitosa Valadares	Timothy Nugent	How should fair dealing copyright systems handle generative AI?
			Ceyda Ilgen	Shaping Legal Futures: Generative Artificial Intelligence, Accountability, and the European Union Artificial Intelligence Act

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			Francesco Contini	The new governmentality of judicial administration: law, vis-à-vis managerial and digital disruptions
			Samagya Pradhan (co-author Lachlan Robb and Bikalpa Rajbhandar)	Cryptophobia: Dystopian And Utopian Realities Of Cryptocurrency Bans And Regulatory Reactions To Blockchain, A Case Study Of Nepal.
	Archiving atrocities: On memory, law and technologies of remembering: A conversation with André Dao, author of 'Anam' (Penguin) Z Block Level 4 Room 13 (Z413)	André Dao Maria Elander Valeria Vázquez Guevara		
10:30-11:00 Gibson Room Z Block Level 10	Morning Tea			
11:00-12:15 Keynote 3 Z Block Level 4, Theatre 406	Chair: William P MacNeill Professor Thalia Anthony Carceralism, colonialism and necroautomobility			
12:15-1:00 Z Block Level 4, Theatre 406	Zoom Meeting ID: 854 3348 2114 Join from PC, Mac, Linux, iOS or Android: https://qut.zoom.us/j/85433482114?pwd=MWtEdGZ3Q1V3VjdEUKFPZi9NSjQ2dz09 Password: 196379	LLHAA Life Members Timothy D Peters speaking to Judy Grbich Laura Petersen speaking to Shaun McVeigh Marett Leiboff speaking to Mark Thomas		
1:00-2:00 Gibson Room Z Block Level 10	Lunch			
2:00-3:30 Panel Session 7	Stream	Chair	Presenter	Paper
	Disruptive Legalities in More-than-Human Societies II Z Block Level 6 Room 6 (Z606) Zoom Meeting ID: 837 0162 8963	Alex Pelizzon	Tim Lindgren	Nature's Peoples, Nature's Law: Constituting the League of Nations and the International Rights of Nature Tribunal.
			Olivia Barr	A Collaborative Artwork called 'All Laws'

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	https://qut.zoom.us/j/83701628963?pwd=Qk1iU0dRM1VkWTMxc0dMY1FNafIGUT09 Password: 626092		Kathleen Birrell	Lawful Ecologies: Grounding Law in a Planetary Age
	Cultural Legalities of Corporate Technologies Representations of Authority and Power: Exploring the Corporate Imaginary Z Block Level 6 Room 7 (Z607)	Jordan Belor	Kathy Bowrey	Reinventing Barbie. Aspirations for a Feminist Intellectual Property
			Timothy D Peters	The Corporation as Technology of Representation: Image, Office, Fiction
			Duncan Wallace	The Corporation: A Frankenstein's Monster?
	Jurisprudence of the Future: Futurity Z Block Level 3 Room 8 (Z308)	Mitch Travis	Nicole Rogers	Judging the Future and the Future of Judging
			Michael Guihot (co presented Brydon Wang)	Veiled Influence: Unpacking the Third Dimension of Power in Technology Platforms
			Amanda Alexander	Crimes against Post-Humanity in Cixin Liu's Remembrance of Earth's Past
	Righteous Feminist Violence: The Cinematic Jurisprudence of Revenge Z Block Level 4 Room 13 (Z413) Zoom Meeting ID: 872 0319 8328 https://qut.zoom.us/j/87203198328?pwd=MjhYVnFyck5lQjg4QkNlZ0Jrc2xLUT09 Password: 617139	Cassandra Sharp	Honni van Rijswijk	"Hell is a Teenage Girl": Monstrous Agency and Beyond in Jennifer's Body
			Karen Crawley	Promising Young Woman: Ambivalence and Disappointment in Feminist Attachments to Law
			William MacNeil	Plug it up!': The Jouissance of Revenge in Carrie
	Digital disruption and legal futures: Lawtech and the Digital Impact on Process and Practice Z Block Level 3 Room 9 (Z309)	Beth Streten	Nichola Godfrey	Using Legal Translation Methods to Understand Legal Coding
			Chantal McNaught	The Role of Technology in the Tension Between Law as a Profession and Law as a Business Literature
			Raphael Ramos Monteiro de Souza	Remote Brazilian Supreme Court: The Rise of Virtual Asynchronous Trials after the Pandemic
3:30-4:00 Gibson Room Z Block Level 10	Close			

Keynotes

Dystopia Now

Mitchell Travis

Keynote

How would the theorisation, practice and teaching of law change if we were to acknowledge that we live in a dystopia? This paper breaks with traditional accounts of dystopias that posit them as occurring in the future. Instead, bringing together work on law and science fiction and research on law and temporality, this paper theorises the dystopia as a present event. The temporal and cognitive shift from heading towards the dystopia to being in the dystopia has a number of important implications for law and jurisprudence. Importantly, a dystopic approach to law challenges the assumed neutrality of law, lawyers and the academy instead inviting greater examination of the power relations that structure society. Whilst this account resonates with many legal researchers working within a social justice framework understanding the present as dystopic gives their work greater urgency (itself a temporal device). This keynote maps out the nature and parameters of dystopias before drawing out the ethical implications of practicing and studying law within the dystopia.



Deus Ex Machina: Children, Online Harms and the Theme Of 'Rescue'

Faith Gordon

Keynote

In the context of children in literature, Deus ex machina and the theme of 'rescue' have been long been utilised in literature. For instance, William Golding employed Deus ex machina in his famous Lord of the Flies, whereby a group of children stranded on an island are rescued by a naval officer who is passing by the island. The naval officer saves one of the young boys, Ralph, from a terrible fate. Charles Dicken's employed it in Oliver Twist, where Rose Maylie turns out to be the long-lost sister of Oliver's mother and when Rose marries Harry, her long-time sweetheart, this in turn allows Oliver to live with Mr. Brownlow. Adult social constructions of children have long positioned them as vulnerable and in need of protection, this in many ways denies children agency. This paper draws on a body of qualitative data from interviews with children, young people, senior police, educators, safeguarding experts, youth workers, victim support service providers, tech and gaming companies, regulators, and representatives from the wider tech industry. The keynote paper will explore the theme of 'rescue' in the context of ongoing debates on online harms legislation, policy reforms and practice. It will argue that often adults' preoccupation with 'rescue', can deny children the opportunity to have a voice and to contribute.



Carceralism, colonialism and necroautomobility

Thalia Anthony

Keynote

This keynote explores automobility as a colonial device for the expropriation of sovereign First Nations lands and the criminalisation and victimisation of First Nations peoples. In the early twentieth century the automobile became a weapon of settler colonialism. Colonial automobility displaced First Nations people from their lands and forced First Nations peoples onto residential schools, missions, reserves and places of enslaved labour. In Australia, like in other settler colonies, detention on these carceral institutions upended First Nations connections to country, family and community. This was extended to the use of automobility for penal incarceration, in police cells and prisons. From the late twentieth century First Nations drivers were targeted by police and stereotyped by courts to assure their incarceration. At its apex, this manifested in a necroautomobility in which the police chase was a site for deaths in custody. Aileen Moreton-Robinson's 'logics of white possession' frames our understanding of colonial automobility and desires to eliminate the "Other". This address contends that that the automobile embodies white colonial expressions of sovereignty and its fatal ends.



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2023 Law Literature and Humanities Association of Australasia Prizes

Zoom Meeting ID: 879 9005 3258

Time: Dec 13, 2023 08:00 AM Brisbane

<https://qut.zoom.us/j/87990053258?pwd=RXlCakh5TmJlZExjSTZxRnZHZUtoUT09>

Password: 366745

Penny Pether Prize

The purpose of the Penny Pether Prize is to acknowledge and advance work in the field of law, literature and humanities in relation to Australasia. The Committee will award the prize to the author or authors whose book has, in the judgment of the Committee, made the most significant contribution to the field of Australasian law, literature and humanities since the award of the last prize. It is named in honour of Dr Penny Pether (1957-2013) who was an Australian scholar whose passionate life-long commitment to interdisciplinary legal research pervaded every aspect of her teaching and academic life.

Winner:

Cristy Clark and John Page for their monograph *The Lawful Forest: A Critical History of Property, Protest and Spatial Justice* (Edinburgh University Press, 2022)

Honourable mentions:

- Rebecca Monsoon *Gender, Property and Politics in the Pacific* (Cambridge University Press, 2022)
- Timothy D Peters, *A Theological Jurisprudence of Speculative Cinema: Superheroes, Science Fictions and Fantasies of Modern Law* (Edinburgh University Press, 2022)

Honourable mention for a 'creative work':

- Luis Gómez Romero and Desmond Manderson, *Twenty Minutes with the Devil* (Currency Press, 2022)

Article/Chapter Prize

The purpose of the Article/Chapter Prize is to acknowledge and support the advancement of research in the field of Australasian law, literature and humanities. The Prize Committee will award the prize to the author or authors whose published article or chapter, in the judgment of the Committee, makes the most significant contribution to the field of law, literature and humanities since 2021. It is offered in 2023 for the first time.

Winner:

Nicole Rogers for her chapter 'Wilding' in Peter Goodrich, Daniela Gandorfer and Cecilia Gebruers (eds) *Research Handbook on Law and Literature* (Edward Elgar, 2022)

Additional ECR Prize Winner:

André Dao and Danish Sheikh for their article "Translating Dark into Bright: Diary of a Post-Critical Year", *Law and Critique* (2023).

Short-listed articles:

- Julen Etxabe, "The Dialogical Language of Law", *Osgoode Hall Law Journal*, vol 59 (2022).
- Maria Giannacopoulos, "White Law/Black Deaths: *Nomocide* and the Foundational Absence of Consent in Australian Law", *Australian Feminist Law Journal*, vol 46, no 2 (2021).

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Postgraduate Paper Prize

The purpose of the Postgraduate Paper Prize is to acknowledge and support the advancement of graduate research in the field of Australasian law, literature and humanities. The Prize Committee will award the prize to the author or authors whose paper, in the judgment of the Prize Committee, makes the most significant contribution to the field of Australasian law, literature and humanities by a graduate research student at that year's LLHAA Conference.

To be eligible, the paper must be: (i) presented at the LLHAA Conference hosted by Queensland University of Technology, 11th to 14th December 2023; (ii) submitted as a written paper to the Committee (6,000 words maximum, inclusive of footnotes and bibliography) by 31st January 2024.

For further information and the nomination form, please see: <https://www.lawlithum.org/postgraduate-paper-prize-rules-2023/>

Law Literature and Humanities Association Honorary Memberships

This year the Association is continuing the practice of awarding honorary membership. Under the rules of the Association, honorary membership may be admitted by the Management Committee to a member who has shown commitment to the objectives of the Association and is a leader in their field of expertise.

This year, in recognition of their significant impact on the field, the management committee has decided to award honorary membership to:

Dr Judy Grbich (in abstentia)

Professor Shaun McVeigh

Mr Mark Thomas

This session of the conference will formally award honorary membership and will celebrate the significant contribution of each of these members and their scholarship.

Panellists:

Associate Professor Timothy D Peters

Dr Laura Petersen

Professor Marett Leiboff

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The Crisis of Justice in the Modern World

Join us for a screening of the play *Twenty Minutes With The Devil*, followed by a discussion about the crisis of justice and politics in the modern world. Topics discussed will include harm reduction, global drug wars, social inequity, corruption and gender and violence.

Screening details

Date: 13 December, 2023

Time: 4.00pm until 6.30pm (screening and discussion)

Venue: Gibson Room, Level 10 Z Block, Gardens Point campus, QUT

Twenty Minutes With The Devil: by Luis Gómez Romero & Desmond Manderson

"You see, my friend, I am just a humble businessman with a knack for success and no tolerance for failure."

Half an hour alone with your worst fears and wildest dreams. No help, no witnesses, and not a minute to lose. When the crisis comes – what would you do?

On a lonely desert road in the dead of night, highway police Angela and Romulo are a team – sort of. Romulo is a shambles. Angela's all business. But then they stop a speeding car and discover a man stripped to his undershirt and covered in filth.

Part thriller, part black comedy, this play is inspired by events leading to the capture of El Chapo, Mexico's most notorious drug lord, in 2016. But *Twenty Minutes With The Devil* transcends its original context, opening instead onto a world that is everywhere and nowhere, in an idiom at once strange and familiar. It asks vital questions about law, politics, and justice in the modern world. About the lives and decisions out of our control that seem to hold us all hostage. And the patterns that entrap us in other ways parents and children, myths and beliefs, childhood memories and fantasies of escape.

The fruit of a remarkable collaboration between two writers from very different cultures, here is a fable for the world we live in: a work which takes real problems in the world around us and gives them a vivid imaginative life. By turns suspenseful and reflective, witty, gritty, and poetic, *Twenty Minutes With The Devil* will grab you by the throat from the very first moment and demand that you, too, make a choice before time runs out.

Live or die, stay or go, trust or betray: we're all looking for a way out of the locked room of the modern world.

Starring: PJ Williams, Joanna Richards and Raoul Craemer

Direction: Caroline Stacey

Design: Imogen Keen

Lighting Design: Antony Hateley

Sound Design: James Tighe

Lex Machina(rt)

Brydon Wang

Exhibition

Welcome to *Lex Machina(rt)*, an exhibition that delves into the intricate tapestry of human connections amidst the relentless march of technological advancement and legal frameworks. This collection of thought-provoking artworks transcends the digital realm, encompassing the myriad technologies that are reweaving the fabric of our cities to confront climate change, and those intimate innovations that shape the genesis of families.

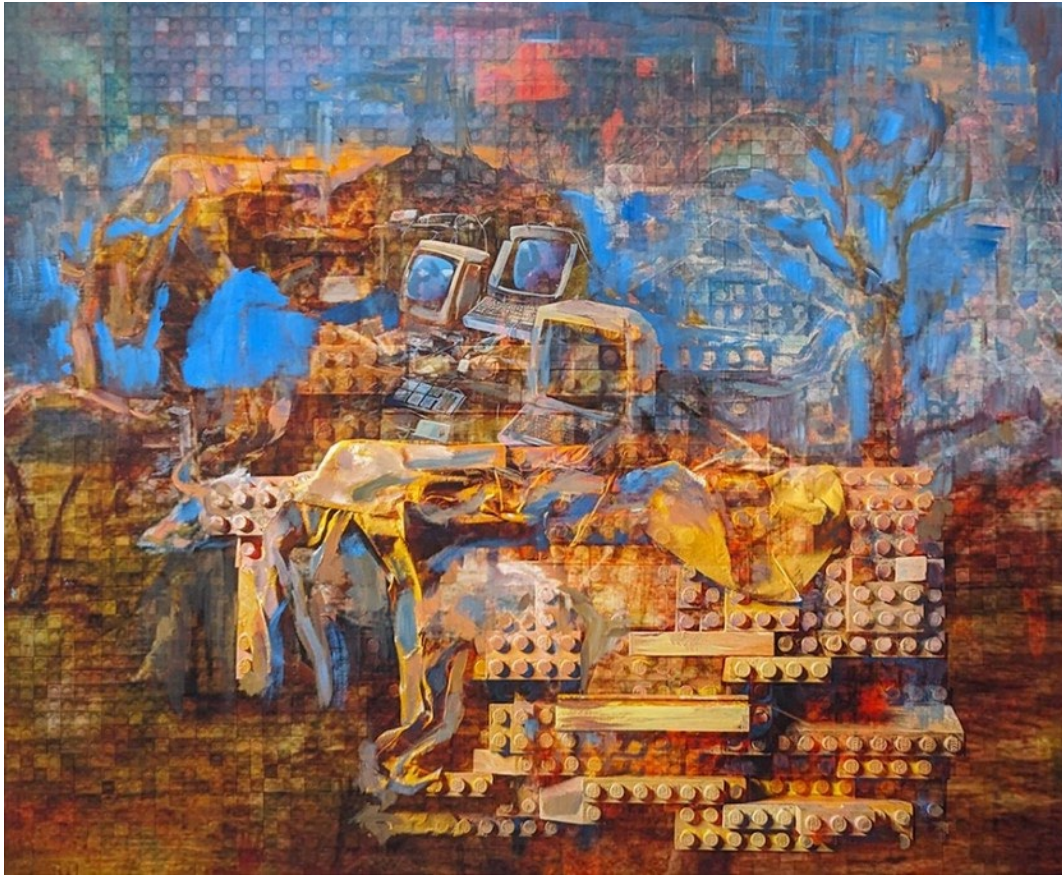
As you journey across this exhibition, we invite you to reflect on how these forces shape our bonds and beliefs. The pieces on display do not merely depict; they narrate the complex saga of our dance with the law, each brushstroke and pixel resonating with the tensions and harmonies that will be explored in this conference.

Art possesses a profound capacity to distil multi-faceted concepts into visceral experiences, making the abstract tangibly emotive. Through this visual dialogue, *Lex Machina(rt)* offers a mirror to society, reflecting the profound impact of technology and law on the sinews of human relationships. Join us in exploring this compelling intersection, where the canvas becomes a court, engaging the public in a conversation that is as ancient as law itself, yet as current as the latest headline.

Bio

[Dr Brydon Timothy Wang](#) is a scholar and artist practising at the intersection of technology and law. His work examines representations of the law and captures human relationships under threat. His unique qualifications in both law and architecture inform his distinctive approach to art, particularly in his emerging practice in post-painting portraiture and digital photography. He was a finalist in the [2022 Brisbane Portrait Prize](#) and People's Choice recipient at the 2021 and 2019 Melt Portrait Prize. He published his first children's picture book in 2023, a retelling of the 'Three Little Pigs' that translates his research on ocean governance and floating cities. This book accompanies two edited collections published by Springer: [Automating Cities](#) (2021) and [Large Floating Structures](#) (2015). His visual storytelling is showcased on Instagram under the handle '[brisvegasdad](#)'.





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Book Launch

[The Ship Inn, South Bank](#)

5:30-8:00, 12 December

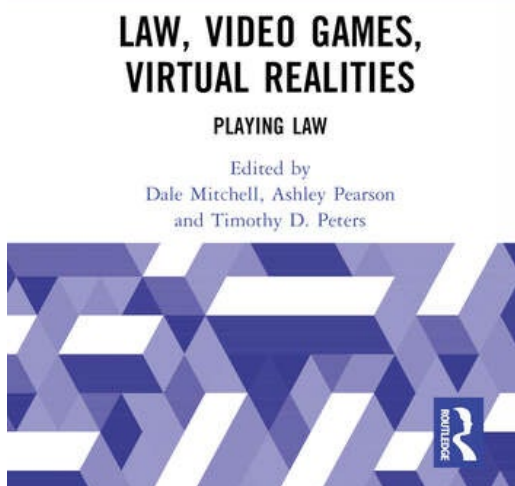
Hosted University of Sunshine Coast, QUT and Griffith

- 5:30 Arrive, drinks
- 6:00 Welcome Master of Ceremonies - Professor Jay Sanderson, Dean, School of Law and Society
- 6:05 Playing Law launch – Reader Dr Edwin Bikundo, series editor TechNomos.
- 6:15 Editors/Authors, response
- 6:25 Unsettling Colonial Automobilities launch – Reader Dr Georgine Clarsen Centre for Colonial and Settler Studies, University of Wollongong.
- 6:35 Authors response
- 6:45 Close
- 6:50 Nibbles and drinks



Law, Video Games, Virtual Realities: Playing Law, Dale Mitchell, Ahsley Pearson, Timothy D Peters (eds) Routledge (2023)

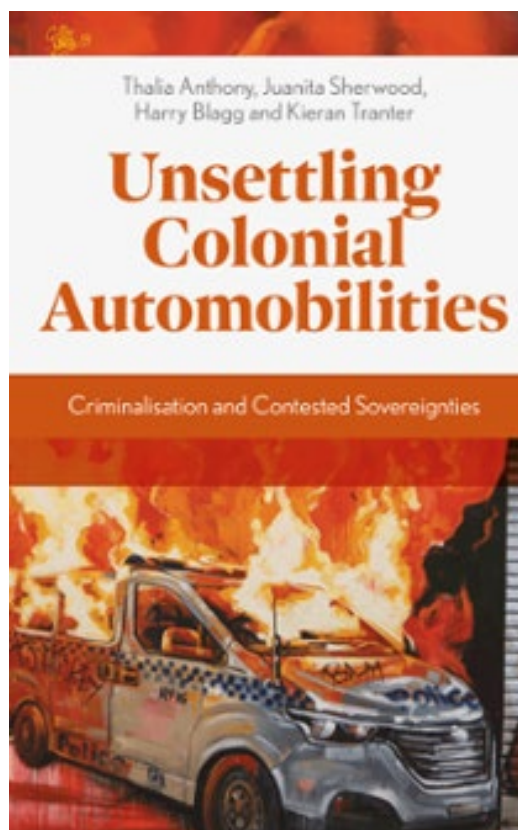
<https://www.routledge.com/Law-Video-Games-Virtual-Realities-Playing-Law/Mitchell-Pearson-Peters/p/book/9781032054971>



Unsettling Colonial Automobilities, Thalia Anthony, Juanita Sherwood, Harry Blagg, Kieran Tranter, Emerald (2023)

[Purchase a copy here to collect at the book launch](#)

(Click on 'create booking' > 'Book Purchase only')



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HDR Day, Monday 11 December.

Open Roundtable: “Law, Technology and the Humanities in Conversation”

Open to all Conference attendees

**Open Session at the HDR Day
Monday 11 December
3.30pm to 5pm
Location: Gibson Room Z Block Level 10, QUT**

Moderated by Tim Peters (UniSC)

Panellists: Edwin Bikundo (Griffith), Kathleen Birrell (La Trobe), Faith Gordon (ANU), Kieran Tranter (QUT), Mitch Travis (Leeds),

How (and why) is law and the humanities scholarship connected to technology (or not?) What is at stake when law meets technology and the humanities? Can law and disciplines across the humanities afford to not engage with questions of new technologies to survive in the modern university? This session brings together leading scholars to discuss some of the most pressing questions at the intersection of law, humanities and technology, and their implications for an ever-changing world.

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DAY 1

TUESDAY 9:25-10:45

Panel Session 1

Stream: Disruptive legalities in more-than-human societies
Z Block Level 4 Room 13 (Z413)
Chair: Kathleen Birrell

Challenging Sustainability and Degrowth Discourses with a Dialectic of Metabolic Exchange

Lachlan Hoy

Environmental jurisprudence often gets trapped within a strict dichotomy, where all viable options for the law appear as some version of either sustainability or degrowth. Each of these discourses, and the choice between them, is largely determined by the model of the environmental risk adopted by any given theorist – either that of improper stewardship and the risks of hubris, or of an awakened nature and temporary imbalance. This choice has major implications for any work that follows, as each model presents a different type of threat and, more importantly, different paths toward their resolution. In this paper, I take this dichotomy of sustainability v degrowth, and consider it in light of the Marxist concept of ‘metabolic rift.’ I ask if, rather than posing environmental law and governance as a problem of what we have made of nature and how we can correct our mistakes, a more fruitful avenue for the law might come from taking seriously the potential of this notion of ‘metabolism,’ and the implication in Marx’s concept of rift that this metabolism might be healed. I argue that this would provide a jurisprudential from which the law can more fully consider our interdependence on the natural world, by recognising that a healthy metabolic exchange is not only of mutual benefit, but is altogether vital for our continued life as a species. Further, I argue that metabolism provides the theoretical basis by which sustainability and degrowth discourses can, rather than being essentialised or abandoned, be placed in the context of dialectic of metabolic exchange. This dialectic, rather than arguing for a choice between deferring to human or nonhuman interests, recognises that good environmental law will emerge only from a proper balancing of vital needs and productive powers against necessary restraints, producing and reproducing a general homeostasis.

Air Power, Authority and the Elemental Border

Angela Smith

In recent years, aerial surveillance by state and civil society actors has played an increasingly important role in the governance and contestation of the Mediterranean borderzone. These aviation practices are not only constituted by social, technical, and legal relationships but also are productive of space. I show in this paper how aerial surveillance flight paths redefine the legal geography of Search and Rescue (SAR) zones to produce what I refer to as zones of interception. Aviation practices over the Mediterranean Sea are thus boundary-making in so far as the spatial determination of who gets rescued and to where they are taken is determined by the aerial practices of European aircraft (both state and non-state) rather than the international asylum obligations inscribed within official SAR zones. This is not to suggest law’s irrelevance, but rather, suggest that we need to look beyond law. This paper argues that these mobile aviation practices need to be contextualised within (i) an

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enriched understanding of more-than-human circulation at the border; and (ii) a broader conception of the elemental power of the air and its role in political struggles at the border. First, the growth and proliferation of European aerial surveillance under the EU's Multipurpose Aerial Surveillance (MAS) program brings migrant bodies into a web of surveillance of which there are multiple targets. These other targets include fish, oil, tobacco, weapons, pollution, all of which pose various threats to Europe and are regulated through networked, interagency, real-time surveillance. Thus, recent attempts to bring new materialism and the more-than-human to the borderzone provides a better understanding of governing through surveillance. Second, I argue that aerial surveillance as just one dimension of a politicised struggle for air and movement across the Mediterranean. Contextualising aviation within a broader elemental border geography, allows us to connect the infrastructural power of different forms of border-crossing vehicles, with notions of territory beyond the terrestrial (to include sea and air), and to consider these in relation to human (and more-than-human) movement and circulation at the border.

Deus ex anima: Levinas on the ethical trace of God in the natural world

Jonathan Crowe

Emmanuel Levinas describes ethics as a 'spiritual optics' that connects the earthly and heavenly realms. We find God in 'the face of the Stranger, the widow and the orphan'. Do we also find God in our encounters with non-human animals and other natural entities? Levinas is famously hesitant on this question. This paper argues that Levinas's account of the ethical encounter emphasises the subject's capacity to learn from the other through a non-propositional form of discourse. The trace of God in the ethical encounter lies not primarily in language, but in the opening of a common world, symbolised for Levinas by the breath [la respiration]. This reading, I contend, raises the possibility of encountering God through not only humans, but also other natural beings (such as animals, trees, rivers and the like). These entities, too, share in the air we breathe; our encounters with them open a common world, sparking a primordial desire to approach them and look at them again. Indeed, I suggest (provocatively) that the encounter with the natural world can be viewed as a paradigm case of the Levinasian ethical relation: one in which we assume responsibility for the other in their full vulnerability, without asking or assuming anything in return.

Jurisprudence of the Future: Speculative Subjects and Fantastic Personhood
Z Block Level 6 Room 6 (Z606)
Chair: Daniel Hourigan

There is No "I" in Law: The Past and Future of Legal Authority and Subjects

Chris Dent

Science fiction rarely engages with a future law that is significantly different from that of the late twentieth century. This is not surprising, given that a key challenge to imagining a different law is the lack of understanding of where the law has come from. The rate of change in society is increasing, and the same could be said for legal processes and rules. Given the shifts in law and culture since even the nineteenth century, and those throughout the twentieth, predicting how the law will operate in even two generations time is fraught with difficulty. We live in changing, and challenging, times. The law has not been, nor will it remain, static. This paper does two things. First, it engages with the changes in the "source" and "subject" of law from the medieval period to now. Every aspect of law has been subject to change over the centuries. The role of the individual in society is also changing; there should be little doubt that the law's engagement with the individual will also change. The law now, and the law of science fiction, focuses on the classic liberal model that was formed in the nineteenth century. This will

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be demonstrated in the second aspect of the paper – an overview of key science fiction movies released since the 1990s. Taken together, these two aspects can be seen as either a challenge to future writers or an assessment that the genre is, ironically, rooted in the past.

Digital Monsters to Digital Persons: A Cultural Legal Analysis of the Bundle Theory of Personhood

Quinn Edwards

This paper engages in a cultural legal analysis of the 'bundle theory' of legal personhood, reading the legal theory through the lens of the popular Japanese anime Digimon Adventure (2020), the latest release of the longstanding Digimon franchise. The television series centres around Digimon (or Digital Monsters) who dwell in a realm known as the Digital World which exists inside the Internet. When malicious Digimon start affecting the material world, a select group of humans are summoned to the Digital World to stop them. The bundle theory is a recent conceptualisation of legal personhood, proposed by Visa AJ Kurki in his 2019 publication A Theory of Legal Personhood. This much-cited work critiques the historic dichotomy between those granted full legal personhood and those granted none, instead proposing a multifaceted approach which would allow for differing levels of rights and duties to be attributed to different entities. For example, in relation to artificial intelligence, Kurki highlights considerations of ultimate value, commercial context and legal liability as key facets to determining whether legal personhood should be granted. While the debate rages around the appropriate regulation for artificial intelligence, a cultural legal reading of Digimon Adventure (2020) provides an effective forum to analyse and critique these three facets. Ultimate value in Digimon is presented at varying levels, from animalistic thoughtless servants to complex, intellectual characters, aligning with the layered attribution of personhood which makes the bundle theory more adaptable than orthodox accounts of personhood. Battle in Digimon is read as a representation of commercial transacting, providing a framework to consider the practicality of an autonomous system operating within the modern commercial landscape. Finally, the issue of tortious and criminal liability will be read through the characterisation of benevolent versus malicious Digimon. Overall, Digimon provides a reading that is favourable to an imposition of legal personhood, with the bundle theory being flexible enough to regulate a range of varying autonomous systems.

Humans? Artificial Intelligence as Depicted in the UK television series "Humans"

Jeffrey Thomas

This paper/presentation uses the narratives from "Humans," a television series that aired for three seasons in the UK on Chanel 4 from 2014-2018, to explore the risks, legal issues, and regulation of artificial intelligence in a parallel, near-future world. The series presents two primary artificial intelligence story lines, one about the potential for sentient artificial intelligence in human-like robotic bodies called "synths," and a second about an artificial intelligence program housed in a computer that does not occupy a body-like housing. It raises questions about the line between human and sentient artificial intelligence, the rights, if any, of artificial intelligence, and the potential threats the power of artificial intelligence can be to society.

Avatars, Cyberconjunctions & Legal personhood

Morgan M. Broman (co-authors Pamela Finckenberg-Broman, Susan Bird)

Today we arguably use our computers and mobile phones to be more or less constantly available, performing interactions and transactions in cyberspace using the internet. We are identified using unique digitalized representations, login names, tags, or graphical representations known as avatars. A recently developed

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representation is the so-called digital twin, which can be defined as ‘...a virtual representation of a real-world entity or process.’, composed of three elements: a physical entity in real space; the digital twin in software form; and data that links the first two elements together.’ At first reading, this seems to be fairly basic and straightforward. A concept designed to help create computer simulations for testing of new technology, generating savings due to the lack of need for expensive physical prototypes and test environments. However, when this technology is used to recreate humans, with companies offering the possibility for a person to speak with a dead relative by use of an AI, this perspective shifts to a more concerning read. In 2022 a company called DeepBrain AI, which specializes in artificial intelligence (AI), offered the opportunity to revive dead parents as AI avatars. These Avatars brings to mind classic Science Fiction (SF) movie perspectives, from Transcendence (2014), where there is an attempt to upload a person’s complete consciousness into an AI, and Replicas (2018), an attempt to achieve digital resurrection of lost family members. In SF literature there is the matriarch of the Tessier-Ashpool clan, Marie-France from Neuromancer (1984) by William Gibson. She dreamed of a symbiotic relationship with AIs, using them to make corporate decisions for her family’s business empire. Wintermute is an AI created by Tessier-Ashpool, registered in Berne, Switzerland, has limited Swiss citizenship (Swiss eq. Act of '53), and is linked to the Neuromancer AI in Rio. These all present potentially prescient glimpses of what our future may hold. In the future, when avatars including human consciousness are fully uploaded into cyberspace, how will jurisprudence solve the complex legal aspects for these new symbolic and/or physical manifestations?

Cultural Legalities of Corporate Technologies: Life, Death, and Immortality: Temporal
Technologies of the Corporate Form
Chair: Tim D. Peters
Z Block Level 6 Room 7 (Z607)
Zoom Meeting ID: 825 3353 6771
<https://qut.zoom.us/j/82533536771?pwd=Rkx3R3R3ZGFEd2lySzBBeTN3S205QT09>
Password: 342908

Corporations, Perpetual Succession, and the Body: A Cultural Legal Reading of Technological Immortality in Netflix’s Altered Carbon

Jordan Belor

This paper engages in a cultural legal reading of Laeta Kalogridis’ version of the science fiction text, Altered Carbon, which presents a possible future where humanity has achieved a technological immortality by digitising and transferring consciousness and the soul as data between bodies. The datafication of humanity becomes significant because it calls into question and trivialises a component of the corporate form: perpetual succession. With that focus, representations of immortality, technology, and the corporation are critically analysed to understand how jurisprudential thought on perpetual succession and the corporation’s relationship to law is reimagined. This reimagining appears within Altered Carbon through the corporate control of data through technologies including cloning, 3D printing bodies, and satellite back-ups of humanity’s digitised form. Such technology not only ensures continuity, but also enables the corporation to produce biological bodies without the form of life. The corporation’s production of lifeless bodies featured throughout Altered Carbon initially presents us with a commodity, but rather produces a doubling effect where a person may experience bodily death only to reappear elsewhere to assume control over the corporation. The idea behind experiencing two bodies at once reflects early ecclesiastic and secular uses of corporate perpetual succession. Altered Carbon reimagines this through a technological immortality which can enable sovereignty for the corporation and the human to influence life and law. Even though questions of biopolitics and sovereignty will surface, the corporate regulation of immortality points to the consideration of data. Data in Altered Carbon provides the foundation for sustaining immortality and the reimagining of perpetual succession not only through themes of corporate control, but the redundancy of replacing members who operate the corporation.

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100 Years of IBM: Cultural Techniques for Imagining the Corporate Community

André Dao

Timothy Mitchell has called the corporation a time machine: a technique for organising capital, material and labour in a temporally durable way. In Mitchell's account, this temporal durability is more than the effect of corporate law – that is, more than the effect of the doctrine of perpetual succession. It is, instead, an effect of the corporation as a socio-technical assemblage – in Mitchell's example, it is the assemblage of laws of incorporation with novel models of financing and the technology of railroads that allowed early 20th century corporations to, for the first time, capitalise the distant future. Mitchell's focus is on economic, technological and legal (narrowly conceived) techniques of temporal durability. But what role do cultural techniques play in keeping together these assemblages? In this paper, I explore the intuition that large, global corporations endure through time in part because they function like a nation – as an imagined community, in Benedict Anderson's well-known phrase. Thus, just as the imagined community of the nation is brought into being, and maintained, through cultural techniques such as newspapers and museums, so too do corporations have their own print media and exhibitions of imagined corporate community. I will explore this intuition through International Business Machines (IBM), a computing company that celebrated its 100 year anniversary in 2014. IBM's history is replete with cultural techniques for imagining community, including its internal magazine, THINK, distributed to all employees around the world, and its pavilions at a number of World Fairs. Indeed, the company's 100 year anniversary is another case in point, as IBM marked the occasion with an online museum called 'Icons of Progress'

Fates worse than death: routine horror in the corporate workplace

Penny Crofts (co-author Honni van Rijswijk)

One of the techniques used by the horror genre to arouse horror is through the threat of harm. The horror genre tends to dwell in gory detail on the many different ways in which human beings can die. We tend to think that death is the worst harm, but the horror genre explores fates worse than death, where characters would prefer to suffer amputations or death, rather than lose themselves to an infection such as a zombie virus or vampirism. In this way, the horror genre provides insight into the horrors of working life. To put it bluntly, evil corporations have very poor occupational health and safety practices, so working at an evil corporation is perilous with a high likelihood of random, unmourned death. In the horror genre, the faces of the corporation, including CEOs, are likely to be killed in painful ways, usually experienced as cathartic by audience members. Drawing on real-world corporate practice, representations of evil corporations also point to fates worse than death. Corporations are designed in incredibly unwelcoming ways: open plan, lacking in natural light and isolated from other human beings and isolated, too, from the harms that they cause. Employees are also required to undertake dangerous, evil work as a matter of course, so that even if they survive, their souls are destroyed. Horror thus provides insight into death and fates worse than death as routine parts of working life. In this paper, we read the corporation through the lens of the horror genre and show how this reveals the workplace is constructed through law as an inhuman, routinely horrific environment that externalises harms it causes (eg wellness programs/individual responsibility for employees, or environmental harms seen as residual). Hannah Arendt identified evil as banal, but still focused on personal responsibility; in the corporation's refusal of responsibility, its evil is powerful and infectious and responsibility for harm lies largely outside the jurisdiction of law. Almost nobody can escape this contagion of experiencing and producing harm, because the monetary and legal power behind the corporation makes it difficult to reckon with.

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AFLJ Celebration: Gender and judging
Z Block Level 3 Room 8 (Z308)
Chair: Angela Kintominas

Gendered Machine Learning and Biased Judgments

Mehera San Roque (co-authors Melissa Kemble, Lindsey Stevenson, Elma Akand, Yanan Fan, Wayne Wobke)

This paper will explore the possibilities of a hybrid, multidisciplinary approach to identifying and understanding the significance of gendered language in judgments. Working from a corpus of family law judgments from 1994 – 2023 this project is combining more traditional techniques of content analysis, corpus analysis and mapping of linguistic features with novel machine learning analysis, in order to develop and test whether, and how well, statistical and machine learning methods are able to identify and map patterns of gendered language across large data sets of judgments. Drawing on the work of feminist scholars, including Graycar, Rathus, as well as insights gained from the feminist judgments projects, this paper will first outline the language patterns relating to topics of violence, capacity and credibility that emerged through the application of corpus linguistic techniques (including word frequency, clusters, n-grams and collocation), before turning to explore the challenges of developing machine learning models and processes that can cope with the variabilities and complexities of the legal judgment form. This paper suggests that despite the challenges, the multidisciplinary approach underpinning this project offers a framework for future cross-disciplinary research which investigates contextually complex discourse and multilayered texts, with potential for integration into studies using machine learning within large scale data sets. This research has been supported by legal publisher LexisNexis Australia and a UNSW Faculty of Science Social Good Seed Grant.

Mutilation and mutable bodies: Constructions of (un)acceptable genital mutilation in The Queen v A2

Jo Stagg

In *The Queen v A2* [2019] HCA 35, the High Court of Australia decided an appeal involving female genital mutilation charges. The case focused on allegations that two young girls had been subjected to “khatna” ceremonies in which a nurse nicked or scraped their clitoral hood. The ritual was one performed as a cultural practice of the Dawoodi Bohra community and was intended to suppress female sexuality. The girls’ mother A2, the khatna practitioner, Magennis (a nurse), and the spiritual leader of the community were all charged with offences under s45(1) Crimes Act 1900 (NSW) which prohibited female genital mutilation. One of the key issues on the appeal was the definition of “otherwise mutilates the whole or any part of the labia majora or labia minora or clitoris of another person.” This was an issue because though it appeared on the evidence that Ms Magennis had nicked, scraped, or pinched the clitoral hoods of the young girls involved, they had no scarring nor any other permanent injury to their genitals. The majority in the decision used various legislative interpretation methods, focussing especially on issues of what mischief the legislation sought to remedy, to decide that the word “mutilation” must be given an expanded definition for s45(1) Crimes Act 1900 (NSW) to cover any cultural practices that involved injury to the clitoris, even if it was minor and made no permanent change to the genitals of the child “mutilated.” Using feminist and queer theory and taking the A2 case as a springboard, I will examine how the law responds to changes to genitalia in Australia. In particular, I will contrast discourses around FGM and male circumcision, concepts of mutilation and “normalisation” of intersex genitalia, and concepts of mutilation and gender affirming genital surgeries undertaken by both cisgender and transgender patients, such as labiaplasty, penis enlargement, vaginoplasty, vulvoplasty, and phalloplasty. Ultimately, I will argue that the

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approach to genital mutilation in A2 does not accord with other Australian law and cultural practices around genital modifications.

The Evolving Paradigm of Feminist Legal Scholarship in India: An Overview of the Apex Court's Agency in the Alternative Discourse

Garima Tiwari (co-author Suman Luhach)

The Supreme Court of India has always been at the vanguard of protecting the rights of marginalized groups through its emancipatory approaches, judgements, and activism. While India remained disconnected with the organized feminist movements of the West, the Supreme Court of India has been filling this vacuum through its judgments and has also been dismantling deeply ingrained gender biases within the Indian society through judicial activism. This has received impetus through direct incorporation of international norms whereby the court has ventured into judicial legislation and diluted the dualist stand of the Indian legal system. The present paper analyses the catalytical role played by the apex court of India over the past ten years towards gender equality with its reformatory foresight. This has been done through a triangulated study of feminist judgements, judicial activism, and opinions of various Chief Justices and judges of the Supreme Court of India. Thus, engaging with qualitative case law analysis and doctrinal study, the present research implies the apex court's upholding of the constitutional principles, individuals' dignity, and rights not only through its jurisprudential inquiry reflected in the judgements but also through the (suggested) use of gender-neutral lexicon and feminist opinions. This research paper pitches a multidimensional trajectory of the interventions of the Supreme Court of India towards an alternative feminist discourse in the nation.

The Ethics of Care, 'Moral Madness', and Judicial Decisions: The Portrayal of Women Judges in the Japanese TV Show "Ichikei No Karasu"

Elizabeth Rajapakshe

Popular culture provides an avenue through which to imagine alternatives and speculate better possibilities for the future. Focusing on the manner in which judicial decision are made in the criminal court, the Japanese legal drama, *Ichikei No Karasu* (2021), tries to answer two questions i.e., what would employing an approach based on the ethics of care in judicial decisions enable the court system to achieve, and what should be the role of a judge. Through the characters of Sakama Chizuru and Iruma Michio, judges and protagonists of the drama, two different approaches to making judicial decisions seem to emerge. The latter takes a more subjective approach, influenced by an understanding that individuals are connected and that there is a responsibility to respond to people's needs. It is this approach that the narrative encourages one to adopt instead of making a trial a "contest of rights" where a winner is chosen by picking the "heavier claim". The suggested alternative comes from a feminist theoretical intervention, namely, the ethics of care. In my paper, by employing a textual analysis approach and by drawing on the idea of "moral madness" (Morgan, 1987; Kroeger-Mappes, 1994), I look at the portrayal of women judges in this drama and their experiences with the ethics of care, and the kind of dilemmas legal professionals encounter when they are expected to balance conflicting moralities. A detailed examination of the narrative reveals that these women judges are not only unable to escape from being involved with the ethics of care, but they are also simultaneously expected to abide by the more objective approach, which leads them into a state of "moral madness". Through the progression of the drama, and as the characters mature, they are made to realize that one outcome of this tension is being able to learn that it is only when the two approaches to morality are combined in an appropriate manner that the proper judicial decision can be reached. My analysis highlights both the importance of exploring alternative ways of conducting trials and the impact of inconsistent moralities operating on oneself.

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<p>Imagining Futures Z Block Level 2 Room 8 (Z208) Chair: Faith Gordon</p>
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A Better ‘Happily Ever After’ – Children’s Stories as a Training in International Law, and Seeking Different Relations with Our Children

Sophie Rigney

How can we, as (international) legal scholars, seek better power relations with our children? What might that mean for our training as international lawyers? Children’s literature is a powerful transmitter of ideas about international law. From a young age, children are encouraged to see international law as an active force for good, through children’s books which present international law in positive, interventionist terms. Hegemonic ideals of international law are preserved, leading to an enchantment with international law which masks the role of international law in violence, hierarchy, and reproducing power along economic, racialised, ableist, heteronormative, and gendered lines; and forecloses the potential for more radical imaginings of the world. As future international lawyers, children are shaped early into hierarchical practices ‘shaped by colonialist, nationalist, racists, sexist and hetero-normative ideologies’, and are trained to reproduce such hierarchies. I argue that a ‘better happily even after’ involves different stories for our children, which not only disrupt these hierarchies but also reshape the power relations we have with children and the power relations we raise them in.

Rethinking Jurisdictional Restrictions on Cross Border Practice of Law Through a Soft Technological Deterministic Approach

Temitope Lawal

The practice of law has historically been governed by rules hinged on jurisdictional considerations. However, advancements in technology have made it increasingly feasible to offer legal services without being bound by geographical constraints. The use of technology to provide legal services across borders highlights its significant impact on cross-border legal practice. This realization is made possible partly because legal practice, for the most part, is knowledge-based and presents a fertile ground for technology to facilitate remote work, with limited visibility by legal regulatory authorities. This therefore underscores the need to rethink traditional lawyer regulation rooted in geographic-centric principles. In this context, this paper seeks to demonstrate, employing a theoretical perspective rooted in soft technological determinism, that technology serves as a fundamental catalyst that aligns and harmonises various factors such as similarity in legal systems, harmonisation of laws, and trade affiliations. These factors, in tandem with technology, aim to facilitate the liberalisation of how the cross-border practice of law is regulated.

Trustworthy Visibility Regimes: Signals of Benevolence in transparency, consensus mechanisms and seams in dataveillance and automated decision-making

Brydon Wang

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The contemporary landscape of dataveillance and automated decision-making is marked by complex visibility regimes that have far-reaching implications for individual privacy, autonomy, and the exercise of state and corporate power. This paper explores the multifaceted concept of visibility regimes and their intersection with the signals of benevolence: transparency practices, consensus-building mechanisms, and boundaries that support oversight of algorithmic systems. Visibility regimes, as conceived through the lens of Brighenti (2010), are systematic patterns of interactions, architectural configurations, and normative questions that dictate who can see and be seen in society's technological complexes. They inherently involve exercises of power and control over information and the mediation of visibility. In the context of surveillance through data and automated decision-making, understanding these regimes is vital to comprehend the ethical and legal dimensions of these practices. A central concern in the discussion is how benevolence as a signal of trustworthiness can be conveyed by examining new visibility regimes that are emergent in algorithmic systems. This paper investigates how algorithmic visibility regimes are affecting the signals of benevolence in: first, impacting transparency practices that enable greater accountability; second, serving as a form of gatekeeping, allowing modulation of user interactions and behaviours that affect consensus-building mechanisms; and third, pose challenges in the era of seamlessness in dataveillance and automated decision-making. The paper argues that while visibility regimes pose challenges in the era of dataveillance and automated decision-making, they also offer opportunities for establishing trust, building consensus, and reinforcing democratic values. It is imperative that these regimes be critically examined, and mechanisms for oversight, transparency, and accountability be developed and strengthened to ensure that benevolent signals are not merely cosmetic but translate into genuine safeguards for individuals in an increasingly connected and surveilled world. This research contributes to the ongoing discourse on the ethical and legal dimensions of surveillance and automated decision-making in the digital age.

Society is just people, and the law is just their club rules: What utopian science fiction can teach us about alternative legal systems for off-world human settlements

Evie Kendal

In October 2020, billionaire CEO of SpaceX, Elon Musk, provocatively declared that his planned Mars colony would not recognise Earth-based law. International law suggests otherwise. Nevertheless, this declaration highlights the unique opportunity future off-world human settlements provide for testing new socio-political and ethico-legal systems. According to Charles S. Cockell (2019), space is 'an inherently tyranny-prone environment,' as all resources for survival can be arbitrarily withheld from a non-compliant citizen, including oxygen. The potential ramifications for human rights demonstrate why a robust legal system needs to be in place before permanent off-world settlements are allowed to occur. While this system will be challenging to develop, we fortunately have a rich history of thought experimentation to draw from in the genre of utopian science fiction. Here potential human rights violations have already played out, conflicting ethical and legal systems have already locked heads, and different philosophies of human flourishing have been explored. This chapter will consider alternative legal systems depicted in space-based science fiction, with a particular focus on occupational health and safety for off-world workers, human rights, and incarceration on other planets.

Roundtable: What remains? Archives, performance and law

Kate Leader, Danish Sheikh, Sean Mulcahy, Maria Elander

Roundtable

What remains in the archives of law and atrocity? How do we as scholars make sense of that which remains while at the same time acknowledging that which doesn't? What is our responsibility in reading the fragments and in representing the absences? In this roundtable, we draw on performance theory and

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Hartman's notion of 'critical fabulation' to probe the legal archives in a conversation on presences and absences in legal archives, on fragments and bodily memory, and on repair, afterlife and dramaturgy.

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TUESDAY 1:45-3:15

Panel Session 2

Decolonial futures Colonial Legal Imaginaries | Southern Literary Futures

Z Block Level 6 Room 6 (Z606)

Chair: Maria Giannacopoulos

Zoom Meeting ID: 831 8021 0736

<https://qut.zoom.us/j/83180210736?pwd=VDhMVGxjWmhoOVpiYmxMYTI5TDZxZz09>

Password: 814468

Colonial Legal Imaginaries | Southern Literary Futures

Shane Chalmers (co-author Desmond Manderson)

Literary imaginaries have been deeply implicated in European colonialism since Thomas More first conceived that 'prototype of the settler colony', Utopia (1516). Yet speculative fiction, centred on the rendering of an 'unknown world' or terra nullius, has a far longer history than that. Think of Pythagoras' theory of geographical balance (BC 500), or Ptolemy's idea of a 'terra incognita' (AD 2). Or Macrobius' commentaries on the existence of an 'antipodes' (AD 400), which by the time of the Liber Floridus (AD 1100) had become the home of literally backward people ('anti-podeans'). The long tradition in the North of imagining the South cannot be disentangled from the imperial projects that continue to colonise Southern lives. But there is also a vibrant critical tradition of writing back, from Black Utopianisms to Indigenous Futurisms. For authors such as Ambelin Kwaymullina, speculative fictions, written from the standpoints of Indigenous peoples, have the potential to 'open the way to futures free of the colonial project; a world that can only be imagined because it does not (yet) exist'. The same has been true for Pan-Africanist writers and for writers across the Americas and Asia. The utopic act of negating a given place and projecting onto it a 'better', future-perfect one, is the colonial move; but it can also be anti-colonial, and in a very real sense, post-colonial. This paper will frame a panel discussion on colonial legal imaginaries and southern literary futures, featuring papers that are being prepared for a special issue on the topic.

On the True Men and Women, and Rebel Beetles: Utopia as Revolutionary Method and Practice in the Zapatista Tales of Subcomandante Galeano (formerly Marcos)

Luis Gómez Romero

In 1994, the Zapatista Army of National Liberation (EZLN) took up arms in Mexico against the daily oppressions and injustices Indigenous Mexicans face in neo-colonial political systems and juridical orders tailored to their discrimination and economic exploitation. The EZLN soon broadened its demands regarding local Indigenous Mexicans to encompass other social groups oppressed by global neoliberalism. The mestizo spokesperson of the EZLN, Subcomandante Galeano (formerly Marcos), accordingly displayed a comprehensive communication strategy fundamentally involving storytelling and myth-making. This paper will outline a revolutionary utopian method, capable of informing anti-colonial practices, emerging from Marcos' (or Galeano's) stories, which ultimately envisage a world capable of holding other worlds by reinvigorating democracy and enriching our current conceptions of justice.

Curzon's Tigers

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Desmond Manderson

This presentation combines visual studies, history, literature, and theory to traverse the nature of colonial, postcolonial and decolonizing thought through the eyes of a tiger. In what ways and through what images was tiger hunting central to the maintenance of colonial authority? What does a postcolonial tiger look like? Now, in light of new work in the field of postcolonial environmentalism, what might it mean to decolonize the tiger? In form and in content Manderson defends, with Fanon, the value of humour, subversion, and irony in our efforts to undo the enduring structures of colonial thought and myth. If Lord Curzon had many amusing times at the expense of the tiger, it is devoutly to be wished that the tiger might yet have the last laugh.

The Drover's Wife, The Legend of Molly Johnson: Leah Purcell's reclaiming of a colonial fetish

Honni van Rijswijk

Henry Lawson's short story, "The Drover's Wife" has animated Australian nationalism since its publication in 1892. The story is much-loved, and has been perceived as representing a voice from the margins, the enduring archetype of the Australian frontier bush woman, a figure who is simultaneously vulnerable and stoic. This archetype organises other tropes in Lawson's story, symptomatic of the national imaginary of the internal frontier—the unrelenting harshness of the Australian land, the resilience of the white frontier individual, and the civilising effects of those individuals' labor on the landscape, as well as on Indigenous people, who are coded as part of "nature," requiring "civilisation." "The Drovers' Wife" has been reimagined by numerous Twentieth Century white writers including Murray Bail, Barbara Jefferis, Mandy Sayer, David Ireland, Madeleine Watts and Ryan O'Neill. Russell Drysdale's 1945 painting "The Drover's Wife", named by Frank Moorhouse as "our Mona Lisa" (2017), similarly extends the mythology of Lawson's story. It is against this context of white colonial fetishism of both the story and of Lawson himself that Leah Purcell's version/s—a play (2016), and now a film (2022)—are set. Leah Purcell is a proud GoA-Gunggari-Wakka Wakka Murri woman from Queensland, and one of Australia's leading writers, directors and actors. In this paper, I examine Purcell's radical reimagining of this foundational Australian text. In the original story, Lawson imagines the key antagonists of the frontier as belonging to the "natural world," including a bull, a poisonous snake, the isolation and harshness of the environment, and the presence of an "uncivilised" Indigenous man who appears as a stranger in the unnamed drover's wife's home. In Purcell's reworking, she upturns this narrative and its toxic tropes, giving a name to the drover's wife—Molly Johnson—and also truthfully naming the true antagonists the drover's wife must face on the Australian frontier: the imminent threat of violence and sexual violence against all women, and the violence of the frontier wars against Indigenous communities, which was followed by government policies of assimilation and intervention (Watson, 2009). Purcell's work reveals truths about the violence of the frontier, about forms of state and outlaw violence that not only led to the massacre of Indigenous people, but also created a false epistemology: that the land which Indigenous people have inhabited with peace and ease for thousands of years is "harsh," that Indigenous labor is "idleness," and that the colonist's work at the frontier is noble, rather than an act of ugly, violent theft. Purcell thereby critiques the role of particular Australian literary works in the creation of national mythology and in the papering-over of violent historical truths. Purcell's work both reveals and subverts the colonial epistemology of violence, gender, sexuality—and state law's complicity in these processes, from its foundational refusal to acknowledge Indigenous law, to the imposition of a thieving land law, to law's adjudication of frontier violence, and then to the "lawful" removal of Indigenous children. This paper will explore the radical implications of this work to both legal and cultural imaginaries.

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<p>General</p> <p>Z Block Level 6 Room 7 (Z607)</p> <p>Chair: Brydon Wang</p>

Informational society, regulation, and legal future: a comparison between privacy in Brazil and Australia and the paths to data protection in the digital ubiquity era

Heloisa de Carvalho Feitosa Valadares

The right to data protection is conceived as a dynamic right held by a natural person to control the treatment of personal information with the potential to identify the individual rather than the data is being stored in a digital or analogical device. It is a right derived and integrated into privacy. That is a right defined to empower the data subject to deal with the role played by their personal data in the context of informational society: data as a commodity. However, securing a right requires more than a law regulating the field. The right to data protection is regulated worldwide, and its laws tend to be homogeneous, taking the General Data Protection Regulation – GDPR, as a standard. The apparent homogeneity regarding data protection regulation is distinguished in practical systems by the enforcement strategies adopted by each government. Enforcing data protection requires creating structures to ratify the right and the desirable behaviour through public policies. The paper proposes a comparative investigation of privacy regulation in Brazil and Australia. The investigation seeks to answer the question about the possibilities of the role played by law in the future as an instrument to regulate human existence in a world inserted in the digital. The qualitative research uses an abductive approach and explores documental analysis and literature review. Section one conceptualises and contextualises the informational society and its features, explaining how data protection emerges as a trend to protect human existence in the digital era. Section two distinguishes law from public policy and regulation. Section three deals with the Brazilian context regarding data protection. Section four focuses on the Australian Commonwealth regulation of privacy. Section five critically compares the strategies adopted by Brazil and Australia to enforce privacy and data protection. The paper concludes that as the digital diminishes distances and imposes the challenge to regulate data exploitation to all nations, the legal “innovation” tends to be uniform to follow standards generated in international arenas. Thus, data analysis demonstrates that protecting human existence and the future legal system relies more on enforcement strategies than the law itself.

Using legal design to integrate sustainable development goals in law curricula

Judith McNamara and Rachel Hews (co authors Katie Woolaston, Bridget Lewis)

Law schools have a crucial role in ensuring lawyers of the future have capacity to contribute to the achievement of the UN Sustainable Development Goals (SDGs). Legal design, a creative and human-centred approach for responding to complex legal problems, has the potential to support the promotion of sustainable development by enhancing access to justice, policy effectiveness, inclusivity and participation, and by facilitating compliance with regulations related to the SDGs. This paper investigates how legal design can provide law graduates with the skills they need to promote sustainable development and considers a range of strategies that law schools can apply to facilitate the integration of sustainable development goals into law curricula. By making legal systems more human-centred, legal design can contribute to the advancement of multiple sustainable development objectives. For example, legal design can contribute to access to justice by aiding the development of legal materials and tools that are tailored to the specific needs of vulnerable populations, ensuring they understand their rights and can navigate the legal system effectively (SDG 16). It can play a role in shaping more effective policies and regulations aligned with the SDGs that address global impact, ethical considerations and values by incorporating user feedback and iterative testing. It can lead to better policy outcomes in areas such

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as climate action (SDG 13), education (SDG 4), economic growth (SDG8), and healthcare (SDG 3). A human-centred approach may make sustainability reporting requirements for companies and organisations more accessible, thereby facilitating improved accountability and progress tracking towards SDGs, particularly SDG 12 (Responsible Consumption and Production). Integrating legal design into law curricula in a sustainability context has the potential to empower law graduates to provide leadership in the implementation of SDG targets. It does this by equipping graduates with the skills they will need to identify novel and innovative approaches to meeting targets, while also fostering a holistic, multi-disciplinary, and future-focused approach to legal practice. This approach also emphasises integrative thinking by exploring the multitude of factors that influence the attainment of SDGs and by encouraging creative solutions for meeting the SDG targets.

Technology and Artificial Intelligence in Law Teaching: Benefits and Risks

Vai Io Lo

Legal education had attributes different from those of other academic disciplines. Whether law instructors should employ technology and artificial intelligence in delivering classes is a controversial topic. Nonetheless, the use of technology and artificial intelligence by law instructors is trending upwards. The decision to use or not use technology and artificial intelligence in law teaching should be informed by the interface among the instructional content, the pedagogical approach, and the type of technology or artificial intelligence. Based on major learning theories and pedagogical approaches, this paper attempts to ascertain the benefits and risks of using technology and artificial intelligence in law instruction. Accordingly, this paper discusses the aims of legal education, the learning theories and pedagogical approaches applicable to law learning and teaching, the functional roles of technology and artificial intelligence, and the benefits and risks derived from using technology and artificial intelligence in law teaching.

Digital disruption and legal futures: Decentring and automating the ledger
Z Block Level 3 Room 8 (Z308)
Chair: John Flood

DAO as Rhizome: Reimagining Rules, Governance, and Organisations

Alvin Hoi-Chun Hung

Today, blockchain stands as a highly promising and extensively discussed technology, renowned for its potential to disrupt various aspects of lives. A DAO, or decentralised autonomous organisation, represents a nascent model of self-organising coordination on the blockchain. Operating through smart contracts, a DAO operates with its core functions automated, adhering to pre-established rules embedded within its software coding. In this context, Gilles Deleuze and Félix Guattari's philosophy, particularly their notion of the rhizome, offers a lens to envision the potentialities of this novel form of human coordination. The rhizome metaphor intricately encapsulates a dynamic network characterised by continuous expansion and transformation, achieved through the establishment of new connections. This structure defies conventional boundaries, remaining an open and unbroken network with numerous entry points. Despite this interconnectedness, the rhizome is composed of diverse units, each with their unique viewpoints, enabling them to separate and establish distinct entities. The practical manifestation of the DAO resonates with the rhizome. Any individual who acquires the DAO's token can gain membership, resulting in a constantly growing and heterogeneous membership base spanning cultural and national boundaries. This dynamic composition contributes to the evolving nature of DAO, further mirroring the characteristics of the rhizome. DAOs operate through a system of public and distributed decision-making, allowing any member to propose and participate in voting on decisions, including those related to altering rules

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or implementing strategies. Analogous to the rhizome, the decentralised governance model based on voting obviates the need for hierarchical structures, thereby enhancing transparency. Therefore, DAO presents possibility to disrupt the corporation as a governance model, enabling us to reimagine traditional notions of organisation and governance. As this technological innovation continues to evolve, the fusion of blockchain technology with the philosophical concepts of the rhizome paves the way for new vistas in decentralised coordination and decision-making.

Are Digital Blockchain Assets Property? Australian Property Law and Technology Regulation

Lauren Bellamy (co-author Lachlan Robb)

The rapid adoption of digital Blockchain assets has garnered significant attention both in Australia and globally. However, blockchain technology and digital blockchain assets elude clear definition. They can be represented by code, money, property, object, or asset. It is seen as something revolutionary, hyped, and its uses can be criminal. However, beneath these promises and illusions are fundamental questions of what digital blockchain assets—especially cryptocurrencies and tokens—actually are within a legal framework, and what legal protections they attract. These assets are complicated by questions of materiality, intangibility, and fungibility. This paper looks to the origins of property law within the Australian legal system and tracks how these tests of “property” have been applied. This includes analysis of Australian common law, international blockchain cases, developing legislation, and the current state of the Australian approach to digital blockchain assets. This analysis reveals a fundamental issue of legal certainty within this domain, which arises when attempting to apply traditional understandings of “property” to new and novel technology. Ultimately, regardless of whether the current definitions of property cover digital blockchain assets, there is important work that must be done to see regulatory certainty in this space. This article argues that the regulation of digital blockchain assets is critical to finding the balance between fostering creativity and innovation within the industry, whilst safeguarding individuals who may not fully comprehend the risks associated with acquiring and speculating on such assets.

Misogyny of the Digital: A Legal Feminist Perspective

Sarah Deeb

This article investigates whether the digital (spaces, products, technologies) is founded on misogyny. It provides a critical view into the experiences of women in the digital and provides insight into how the digital can be reimagined to be more inclusive. Identifying the parallels of the normative structures of the law and the digital, this article uses feminist legal theory to critique implicit and explicit discriminations experienced by women in the digital and the oft proposed solution of diversifying the technology industry. Using feminist legal accounts of masculinity, this article concludes that the digital is fundamentally masculine and therefore systematically excludes women and their inherent values. Diversity is therefore not necessarily a solution to digital misogyny, and instead a reimagining of the value system founding the digital is required. This is critical to identifying how to dismantle harmful structures of the digital to create a more welcoming digital world for humanity.

Semiotics of Blockchain

Olivia Sewell (co-author Lachlan Robb)

Blockchain’s language and terminology is confusing, contested, and rapidly changing. As a hype-driven technology, Blockchain is critical to an increasing number of projects that exist in a space of regulatory uncertainty. As communities of blockchain develop and evolve, the language they use to describe these functions changes. This causes concerns when attempting to have globally have regulatory certainty and clarity. Regulators

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and communities have different approaches to blockchain language, and this causes problems because of the translation between practical use in a community, and the legal effects created by regulators. Of particular concern is the lack of clear expression amongst the broader community regarding the concept of blockchain-related assets as these ‘tokens’, ‘coins’, and ‘assets’ form a key part of financial regulation. This project uses semiotics to study the diverse language associated with blockchain. This analyzes a series of self-proclaimed ‘dictionaries of blockchain’ to assess key definitions, themes, perceptions, and misconceptions present in these communities. The study involved a case analysis of the terminology used in Australia’s proposed response to blockchain in comparison with that of wider communities. When comparing this to regulatory definitions and approaches, it becomes clear that this is an area that requires further attention. This project highlights the need for regulators to use key, commonly used terms in blockchain regulation. It is argued that this approach facilitates a better understanding of poorly understood concepts and clearly connects the law with those it intends to target.

Jurisographies
Z Block Level 4 Room 13 (Z413)
Chair: Dale Mitchell

Jurisographies and Techniques of Cultural Legal Study (Australia)

Shaun McVeigh (co-author Ann Genovese)

Jurisography is a conduct of practice that we have named that gives public form to arts of disciplinary association. Jurisography is as much concerned with the ethos of writing about law as it is the method of so doing. Its purpose is to exemplify how the discipline and study of jurisprudence is written, and to show how it responds to the obligations of time and place. In this paper we consider and demonstrate jurisographic practice by providing a report on some forms of association between cultural study and law writing, or ‘cultural legal study’, as developed in and since 1990s. Our examples are drawn from feminist, Indigenous and ‘law and humanities’ scholarship. We report on how each involved arts of association that have become research practices and ‘teachable’ as technique. We do so to make plain that specific intellectual, personal and institutional relationships condition, and have conditioned, Australian legal scholarship and our own scholarly lives.

Making an Impression: Käthe Kollwitz and the Art of the Woodcut

Laura Petersen

Käthe Kollwitz’s woodcuts ‘In Memoriam for Karl Liebknecht’ (1920) as well as her series on ‘War’ (1918-1922/3) are striking in their choice of technique and their portrayal of their subject matter. Kollwitz was an artist working in early twentieth Century Germany known for her graphic art and her sculpture works. She was asked to produce a memorial print by the widow of Liebknecht after he was murdered on 15 January 1919 as part of the Communist uprising against the provisional government. After visiting Liebknecht in the morgue, Kollwitz eventually turned to the technique of the woodcut to produce the print. At the same time, she was experimenting with woodcuts for her series titled ‘War’, a visceral response to WWI centring on the perspective of women. Informed by her diary entries and letters, I examine how technique and representation coalesce in Kollwitz’s work, which was a practice of always striving after ‘a more and more abbreviated form’ (Diary, 1909). I follow how Kollwitz’s turn to the woodcut is a way of purposefully stripping back; her woodcuts were an attempt to make an impression – on the paper and on the viewer – of the experience of those who were left behind.

Theatrical Jurisprudence and the knowing legal body

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Marett Leiboff

Theatrical jurisprudence makes a series of claims about law, one of which is grounded in the idea that legal body is a casual and careless initiator of presumptions in law and its interpretation. This claim has been largely misinterpreted and misunderstood by scholars, who have assumed that bodies referred to performing lawyers. It is a simple enough presumption to make but only if the reference to the body is hived off from the depth and texture of the concept of the embodied mind, a facet theatrical jurisprudence that wanted to disrupt a basic assumption of law: a matter of history and practice, that our bodies in law, as lawyers, are entirely abjured in favour of argument, of rational thought, of abstraction, those most basic building blocks of legal thinking. That problematisation of the embodied mind was entirely grounded in the very real way we instead read and interpret law through our bodies prior to rational thought kicks in, despite the presumption that law is more or less an interpretative practice bound up in text and rules. In many respects this misinterpretation is entirely QED and a supreme paradox. What it shows is that presumptions and assumptions are so bodily entrenched that we bring meaning into ourselves - the very challenge to the body that theatrical jurisprudence seeks to challenge. And if humans find this a challenge, what hope do we have against the machines?

Animal Kingdom: speech and speech acts as violence

Kim Weinert

This presentation will argue that settler state violence and aggression should not be considered a practice excluding white men. In examining the Australian film *Animal Kingdom*, it illustrates how speech and speech acts, as a form of Othering, are powerfully violent in a more subversive way than physical violence. Furthermore, in demonstrating that the white man can be Othered and settler state violence represents more than physicality. *Animal Kingdom* evokes myths around Australia's notorious real criminals in Australian film. Inspired by events during Melbourne's gangland wars in the 1990s, the film portrays a notorious criminal family who lived according to their own nomos. The film follows Australian film tradition by capturing the cultural force of the anti-authoritarian and notorious life of an Australian criminal, long manifested through the bushranger legacy. For the Cody family, life within the kingdom takes advantage of this cultural myth by illustrating how violence and fear are practised in a modern Australian state. Othering and the practice of violence and fear in the kingdom are constructed through speech and speech acts, alongside physicality. This presentation will be arranged into two parts. First, a brief outline of the film's narrative. Life within the kingdom is not easy for J, the film's protagonist. Subject to violence and fear inflicted upon his family and corrupt police, J needs to navigate this for his own survival. Drawing on Jacques Derrida's writings and Robert Cover's nomos Part Two of this presentation illustrates how settler state violence permeates life in the kingdom that represents the negative-positive conception of speech.

Digital Disruption of and Legal Futures: Data and Flows
Z Block Level 2 Room 8 (Z208)
Chair: Rene Cornish

Local tragedies of global apps: Gay dating platform-enabled victimisation in India

Rahul Sinha Roy (co-author Mathew Ball)

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This paper discusses the effects of global dating platforms on vulnerable/marginalised communities in a global South country. Drawing from semi-structured interviews with people who have faced victimisation enabled by gay dating apps and support workers in India, we document eleven forms of victimisation that are enabled by these apps. Additionally, we also highlight the barriers that app users face in seeking help or redressal. Through these, we highlight how structural socio-political factors, like queerphobia and sex-negativity combine with global gay dating platforms to enable these forms of victimisation and impede help-seeking and reporting. Although many gay dating apps are cognisant of the local laws that criminalise queer sexual behaviour, we argue that local political contexts go beyond the legality of gay sex and include societal perceptions of queerness and non-normative sexual behaviour. To be cognisant of these contexts, and to prevent such victimisation, we suggest that global app companies targeting queer people in the global South should invest in multi-stage local community consultations. Such processes will enable tech companies in the global North to be aware of the global South local contexts, and build in appropriate safety and support features in the apps to make app-experiences safe for and inclusive of a diverse user base.

A Glimpse into Risks of the Emerging World of Brain-Computer Interface

Scott Kiel-Chisholm

The promises of brain-computer interface technology (BCI) significantly impact on individuals, offering renewed capacity for those who have experienced physical or neurological impairment. However, with the benefits come a range of risks. There is no single way to address any of the risks, but insight of these risks will ensure critical dialogue for a better law and technology future.

Social Media as Narrative Morality in Prosecutorial Decision-Making

Erin Sheley

Social media often functions as evidence of popular will, generating moral narratives that may influence decision-making by government officials generally (a phenomenon which the political science literature and the psychological literature on emotional contagion show to have both empowering and occasionally troubling consequences). When those officials are prosecutors, whose decisions necessarily render them adversarial to portions of the citizenry they represent, it becomes even more challenging to identify the appropriate impact of these digital moral narratives on government discretion. This paper argues that, first, social media may provide information relevant to certain specific prosecutorial goals, such as the impact of a crime or prosecution on the community or the historically inequitable handling of cases. However, in cases where the issue around which discretion turns is the uncertain application of a particular element of the crime at issue to the facts, social media poses unique dangers. For those determinations prosecutors have a constitutional obligation only to bring charges where they have a good faith belief that the potential defendant has met the elements of the offense by some probability threshold. The risk of social media narratives improperly impacting these determinations is particularly great in cases of crimes such as fraud and obscenity, which so often require a post-hoc prosecutorial evaluation of whether a morally-subjective element (such as “intent to deceive”) has been met by an unusual or novel set of facts. The paper provides a roadmap towards greater external transparency in prosecutorial charging manuals, as well as engagement with the public, to achieve greater internal accountability as to how the moral narratives of social media should impact discretion.

Tracing the contextual factors that shape the use of workplace wearables

Diana Girle

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This paper outlines the findings from research investigating the contextual factors that shape the management of wearable devices used to monitor work-related activity. Relevant contextual factors include: the socio-political and legislative imperatives impacting employer decision-making; the use of cloud-based infrastructures, and evolving digital business models. The research employed a narrative and visualisation tracing methodology to explore the dynamic interrelationship of contextual factors across three case studies: a smart cap used in mining sites and Fitbits in two corporate settings. The research concluded that different workplace wearable uses were influenced by the way in which the contextual factors interacted and changed over time. Key however was the legislative imperatives affecting employer decision-making.

Uncovering the human: Exploring tax theory, Invisible taxes, and tax impact on Aussie
battlers

Z Block Level 3 Room 9 (Z309)

Chair: Bikalpa Rajbhandari

Invisible Cities, Invisible Taxes

Jonathan Barrett

In Italo Calvino's *Invisible Cities*, Marco Polo, the Venetian merchant and traveller, conjures numerous urban imaginaries for the ostensible education and obvious entertainment of the emperor Kublai Kahn. Despite the inventiveness of Calvino's descriptions, unlike other imaginary political communities, such as Plato's *Republic* and Thomas More's *Utopia*, details of governance of the cities are mostly absent. In particular, Polo's descriptions of his fictive cities provide the reader with few direct indications of the taxes which might fund them. But hints are given. The inferable taxes are, however, mundane and expectable for an Italian city state, such as Polo's Venice, as it transitioned from the medieval to Renaissance eras. In addition to seeking to identify the taxes of the *Invisible Cities*, this paper adopts Calvino's trope of invisibility and applies it to real world taxes. Visibility has particular relevance for taxation. Since the texts of modern tax laws are visible, a critical consideration lies with how people perceive taxes in action. Furthermore, non-legal norms, including EP Thompson's concept of the moral economy of the English common people, and the traditional rules that govern Indigenous communities, may be invisible and unknowable to outsiders but essential for group insiders. When these norms, including those relating to taxation, are not recognised and followed, social expectations are disrupted, and civil unrest may ensue.

An Information-Theoretic Approach to Business Taxation perspective

Mark Bowler-Smith

In the era of artificial intelligence (AI), economic models may benefit from reconceptualization through an informational lens. This article introduces an innovative approach to business taxation grounded in information-theoretic principles. It proposes replacing traditional business income taxes with two distinct levies: the Nature Preservation Levy (NPL) and the Resource Potential Levy (RPL). These levies focus on taxing the commercial utilization of Earth's finite resources, rather than knowledge or 'transformative information'. Such an approach not only fosters a demand for new knowledge but also drives efficiency, productivity, and sustainable growth. Specifically, the NPL taxes the cubic meterage of economic activities, encouraging businesses to concentrate operations in 'industrial zones', thereby preserving natural habitats. Conversely, the RPL, grounded in a resource's entropy value, emphasizes its intrinsic potential and utility over market factors, stimulating innovation and efficient resource utilization.

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Drought and Taxes: The Battler's Journey to Self-Reliance

Thea Voogt

Agrarianism is a key feature of Australian culture and politics. Australia's history was 'built on the sheep's back' and agricultural lobby groups wield significant influence. Australians hold a deep attachment to the virtues of farming and generally support policies that work in favour of primary producers. There are two main reasons for 'agricultural exceptionalism'. Firstly, the agriculture sector has been deregulated since the 1980s. As a result, primary producers are largely market price takers. Secondly, Australia's climate variability and natural disasters (bushfires, floods, cyclones and droughts) negatively affect farm financial performance and the sustainability of the agriculture sector as a whole. Arguably, the impacts of recurring, long and severe droughts are the most difficult climate risk for the government and farmers to navigate. Australian bush poetry laments over the toll that these droughts have on man and beast, particularly in Outback Queensland. The overarching poetic theme is the battle of farm families to achieve self-reliance. Since 1990, Australia's drought policy has been centred on self-reliance that delineates the responsibilities of government and primary producers. Government intervenes in exceptional circumstances and producers have the primary responsibility for the commercial performance of their enterprises. Despite the government's limited role in self-reliance, there are many income tax policy tools aimed at artificially improving the financial position of all primary producers, raising the question whether those who suffer the consequences of drought benefit from these measures. The purpose of this paper is threefold. Firstly, using Australian bush poetry, the paper identifies five themes that depict the struggle of primary producers in Outback Queensland under drought conditions: animal welfare, the agistment journeys of man and beast in search of food and water, preserving food and water until the rains come, the threat of pests, and the temporary joys of the shearing season. Secondly, the paper identifies income tax policy tools that relate to each of these themes. Thirdly, the paper critiques each tool to ascertain whether primary producers who are most at risk of climate variability – those battling long and severe droughts – face challenges in accessing and benefitting from each tool.

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TUESDAY 3:45-5:15

Panel Session 3

<p>AFLJ Celebration: Feminism and the International Z Block Level 4 room 13 (Z413) Zoom Meeting ID: 890 3815 4629 https://qut.zoom.us/j/89038154629?pwd=Yk8xREpkM0hiV20vWXhabnE5ZjNwZz09 Password: 952031 Chair: Joanne Stagg</p>

Making an Issue: Personal Reflections on Presenting to the UN on Australia's Implementation of the Women's Convention

Sevda Clark (co-author Guarneros-Sanchez)

Dr Clark and Guarneros-Sanchez will provide a lived experience account of their interventions before the UN Committee on the Convention on the Elimination of All Forms of Discrimination Against Women where they detailed the issues with Australia's implementation. Their research team from ACU made one of only 3 submissions to the Committee as it considered the questions to ask Australia as it prepares its Ninth Periodic Report to the Committee. Drs Clark and Guarneros-Sanchez were the only representatives from Australian NGOs to have made oral submissions at the UN session. They reflect on their personal experience of presenting and what it may mean for NGO engagement with women's rights in Australia.

'I am strong, I am invincible, I am woman': A Commentary of the Semenya vs. Switzerland Case

Inês Espinhaço Gomes

This article aims at analysing the case of the athlete Caster Semenya brought to the European Court of Human Rights, through the lens of Queer Legal Theory and Intersectional Feminism. It seeks to problematise the social and the medical assumptions, categories and tendencies regarding sex and gender embedded in Sports Law, considering that the eligibility regulations for female classification in the context of international competition, as gendered and racialised norms, have to date only been applied to women, specifically trans and intersex women, and considering the latter particularly athletes who do not fit the western standard of being a female. While critically looking at the outcome of this case, this study questions its impact on international female athletics and on the human rights legal framework and interrogates what the position of the Court might have been if it would have the chance to assess the proportionality test between the human rights and interests at stake. In the context of the 30-year anniversary of the Australian Feminist Law Journal, this paper celebrates one of the feminist anthems written and sung by Australian Helen Reddy.

Women and International Trade- An Unnecessary Dichotomy Waiting to be Broken

Anmol Kaur Nayar (co-author Anuradha Jha)

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Globalisation, coupled with the rise of concept of global economy has brought the world to a stage where every step taken by a nation bears the potential to affect other nations, especially in relation to international trade. At the same time, gender equality was never more contentious than it presently is, across fora throughout the world. Policies and decisions relating to international trade affect men and women alike. Therefore, people belonging to both genders have equal stakes in matters of international trade. However, when it comes to presence of women relative to men in decision making positions in national and international trade platforms, the position is far from equal. Women are heavily under-represented in matters of international trade. This paper is an attempt to highlight the extent of women's participation in international trade. For this purpose, the author has done a two-fold analysis. The first aspect of the research pertains to an assessment of decision making or authoritative positions held by women in international trade organisations over last two decades. The second aspect pertains to an analysis of women in leadership roles relating to international trade in selected countries . Finally, the author has done a critical analysis of the existing legal framework on international trade with regard to participation of women. This research paper will reflect the state of women's participation in international trade and would make constructive suggestions as to how the international legal framework for trade can be reformed to boost the same.

On Straightening and Subversion: A Queer Feminist Exploration of International Space Law and Politics

Claerwen O'Hara (co-author Cris van Eijk)

Outer space holds radical imaginative potential. It provides an outside, an alternative to this world, through which critical thought and resistance can emerge. Outer space is vast and infinitely diverse. It is wonderful. It is queer. Through its boundless possibilities, outer space can help to disrupt human regimes of normativity and make earthly hierarchies seem small, strange, and irrelevant. It can provide 'imaginal breaks' that render other ways of doing and being thinkable. And yet, the imaginary underlying international space law is strikingly limited. As other international law scholars have pointed out, the five treaties focused on outer space carry within them a narrow Cold War technological rationality, which understands peace through war and the notion of the commons through ideas of extraction and commodification. Even more notably from a queer feminist perspective, the law and politics of outer space are gendered. The English version of the Outer Space Treaty (1967), for example, declares 'the exploration and use of outer space, including the Moon and other celestial bodies...the province of all mankind' and gives astronauts the status of 'envoys of mankind in outer space'. The gendered nature of this language has been reinforced through the figure of the astronaut. In the mid-twentieth century, both the US and USSR worked carefully to produce an imagery of idealised white, heterosexual masculinity around their astronauts. Today, as the image of the military-trained Cold War astronaut is replaced by that of the Space Billionaire, human encounters with outer space continue to be dominated by visions of elite white masculinity and a techno-mediated economic rationality. This paper explores the imaginary underpinning the law and politics of outer space through the lens of queer and feminist theory. Drawing on Sara Ahmed's work on queer phenomenology, it argues that the projection of human regimes of normativity onto outer space can be seen a project of 'straightening', aimed at bringing the disorienting, queer effects of outer space into line with earthly power structures. However, engaging with Judith Butler's account of the subversive function of drag, it also contends that the 'spectacular' nature of this exercise can help to reveal power relations on Earth, opening up opportunities for contesting them.

Archiving atrocities: Technologies of time
Z Block Level 6 Room 6 (Z606)
Chair: Valeria Vázquez Guevara

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Strong Men, Vulnerable Archives

Shannon Fyfe (co-author Jesse Kirkpatrick).

Starlink, Elon Musk’s satellite internet technology company, provides critical internet access in war zones. The technology has been crucial for both military operations and civilian access to the internet since Russia invaded Ukraine in February 2022. It has been widely reported that Musk can—and has—restricted Starlink internet access to certain geographic areas or for particular uses based on his own preferences. At one point, he affected the Ukrainian military’s battlefield strategy by refusing to turn on Starlink near Crimea. This ability suggests a worrying capacity for those with particular financial or political interests to influence international conflict even more than they already do, through the denial of what we might otherwise see as basic services. When Starlink is shut down, victims of potential atrocities are still able to capture evidence with cameras and on their phones. Digital evidence can be collected and then uploaded to archives when Starlink service is restored. But Musk’s decision to withhold internet access suggests other dangers when technology is controlled by one person, or one company, with financial, political, or personal reasons to influence international conflict even more than they already do. Not only can the lack of internet access prevent real-time reporting, but interference with other technologies could wipe out evidence altogether. Cloud services like AWS, for instance, which houses atrocity evidence and other sensitive data, could have entire swaths of their data wiped out altogether if someone with the power to do so were so inclined. In this paper, we argue that digital archives of atrocities are less vulnerable than analogue archives in many ways, but because digital atrocity archives remain part of a larger socio-technical system (STS) that spans hardware, software, community, and personal components, they are subject to unique risks and vulnerabilities. Using the case of Musk’s recent actions in Ukraine, and the relationship between digital atrocity archives and Starlink’s technology, the paper demonstrates why archivists should consider the potential impact of private actors on digital atrocity archives in general and the implications for a given archive’s desirability, feasibility, and usability.

Accomplishing Justice and Recognition through Digitalisation of Arts and Crafts.

Richimoni Proma

When a catastrophe happens to a particular community, it becomes very tough for the victims to verbally explain the situations in any platform because they do not want to relive the trauma they already experienced. However, it is crucial to comprehend the documenting and preservation of the oppression's knowledge in order to bring those responsible for it to justice. In the fourth industrial revolution era, the documentation of such atrocities can be done easily with the help of advanced technologies and through digitalization of arts and crafts that can be spread across the world which will make the ‘denial’ of the accused party hard and thus recognize the gross human rights violation. These types of digital evidences are crucial in constructing legal cases, evidence gathering, archiving and showcasing to the world the impact of such atrocity. Art forms including painting, photography, needlework, paper crafts, scrap-booking, woodworking, sculpting, and embroidery can be used as a platform to spread awareness of atrocity crimes committed worldwide. Examples of some museums with digital archives that have made the study of genocide and justice more accessible to the public include the United States Holocaust Memorial Museum, the Tuol Sleng Genocide Museum in Cambodia, the Museum of The Second World War in Gdansk, and the Liberation War Museum in Bangladesh. But in addition to art from victims, crafts created by offenders and other parties may also be helpful in promoting education regarding crimes against humanity, genocide, ethnic cleansing, war crimes, and mass murder. ‘The Thread Exhibit’, a digital exhibition of the crafts made by rohingya women, organized by Liberation War Museum, Bangladesh and Harvard University Asia Center is an wonderful example of how artwork and technology combined together can be a practical medium to disseminate knowledge about human rights violation for the world. The digitization of arts and crafts holds great significance in the pursuit of justice and embodies the meaning of the global phrase "never again" and this paper reflects this message.

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An Archive of Care: The body as a call for justice in the films of Pedro Almodovar

Meribah Rose

This paper will explore the ways in which the dead -- and their bodies -- have been crucial to a growing call for justice in the films of Spanish director Pedro Almodóvar. Almodóvar's latest feature film, *Parallel Mothers* (2021), foregrounds the exhumation of the mass graves of the Spanish Civil War. This is a rare acknowledgement of the dictatorship by the director, who once claimed to make films as if dictator Francisco Franco never existed (Strauss, 1994, 30). Indeed, there is only a passing mention of the 36-year Franco regime across Almodóvar's work. *Parallel Mothers*, however, features the forensic work of exhuming wartime victims, albeit counterposed with a more intimate story of family and motherhood, an enduring theme of Almodóvar's films. In contrast to the apparent frivolity of his earlier films, the atrocities of Franco regime are finally brought to the fore. From this, it is apparent that Almodóvar has moved on from his early denials of Franco, a move that I will argue is closely tied to his growing engagement with questions of ethics and justice. Exploring the harmonies and tensions between the political and the personal within *Parallel Mothers*, this paper will argue—drawing also on the Almodovarian archive—that this film demands a certain form of community, grounded in both care and justice. Certainly, his films seem to question whether the law – an institution closely aligned with the wrongs of the Franco regime – can offer justice.

Jurisprudence of The Future: Entanglements
Z Block Level 6 Room 7 (Z607)
Chair: Kieran Tranter

International law in outer space: protecting against 'evil' corporate actors

Melissa de Zwart (co-author Stacey Henderson)

From idealistic and romanticised images of new human civilisations thriving on other planets, to harsh frontier struggles for survival, the experiences of humans living beyond Earth have captured the imaginations of generations. Technological advances mean that human habitation of space is now closer to becoming a reality than ever before. This chapter draws upon classic science fiction texts such as Kim Stanley Robinson's Mars trilogy to explore the fictional dominance of corporate space actors controlling every aspect of human presence on Mars for the benefit of shareholders on Earth. This chapter also draws upon more contemporary science fiction such as James S.A. Corey's *The Expanse* novel series and examines the role of 'evil' corporate actors conducting experiments on unknowing human test subjects for corporate gain and the example of a corporate mining operator, Lukrum, in the National Geographic Mars series, which melds fact and fiction. The chapter interrogates whether international space law can address the imagined conflict that arises between different corporate actors competing for profits as well as between corporate actors and inhabitants of other planets seeking independence from colonial domination. This chapter heeds the warnings presented in science fiction about a future dominated by 'evil' corporate actors and explores whether international space law can respond and protect vulnerable populations in space habitats.

Wake Up, Sleeper": Finopower and mute compulsion in the ludology of Citizen Sleeper

Dale Mitchell

This paper explores the intersection between the logic of gambling and the dull compulsion of economic power. It argues gambling facilitates a form of governmentality and biopolitics which is innately tied to the social

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valorisation of capital. The nature of play given form in gambling – the gameplay of speculation – is a socialised form of value-making. The locus of this analysis is the sci-fi videogame, *Citizen Sleeper* (2022). In *Citizen Sleeper* players inhabit the avatar of a Sleeper. Sleepers are robots which have the consciousness of a human who has rented that consciousness to a corporation. Sleepers are corporate technologies, and rely upon synthetic medicine provided by their corporate masters to survive. Not quite human, not quite robot, Sleepers exist in a liminal space between the borders of legal personhood. Sleepers are tools, yet they are also innately connected to the corporeal organisation of the human. Yet, what is interesting about *Citizen Sleeper* is the way in which a Sleeper and player must navigate the world: the rolling of die. Unlike games like *Dungeons and Dragons* or other forms of action-driven chance-based play, the rolling of die occurs before an action is decided. The number rolled does not determine the success of an action, but rather the very possibility of it. The number rolled on the die limits the actions which may be undertaken; it must be invested in events tied to the rolled number. In the limiting nature of the resulting gamble and the liminal corporeality of the Sleeper, *Citizen Sleeper* offers an opportunity to critically reflect on the nature of gambling and its connection to value. This argument is advanced by bringing the concept of finopower by Fiona Nicoll in conversation with mute compulsion, the economic power of capital explored in the critical Marxism of Søren Mau. Finopower situates gambling as the logic and form of neo-liberal governmentality. Gambling sits at a threshold between social responsibility and individual freedom, exploiting these tensions to police populations and construct the ideal neo-liberal subject. When harmonised with the figuring of mute compulsion, gambling becomes a praxis of value-making. Rather than 'roleplaying in the wasteland of capitalism', as the game's tagline suggests, players experience the true power of the capitalist form.

Serial Killers or Science Fiction Prototypes for a New and Better World? Revisiting Dr Frankenstein and 'the Creature', Dr Jekyll and Mr Hyde

Jocelynn A. Scutt

Mary Shelley's *Frankenstein* and RL Stevenson's *Dr Jekyll and Mr Hyde* are in many ways mirror images, each of them a warning to medical men (sic) not to take upon themselves a role akin to god. Dr Frankenstein sought to rise above god by making the perfect man, yet failed miserably, his creation turning serial killer and enacting revenge against this creator. Dr Jekyll transported himself into his own creation, Mr Hyde - yet ultimately Mr Hyde won out, subjugating Dr Jekyll entirely. Though ego-centrally orientated, *Frankenstein* and *Jekyll* might be seen as seeking to create a better world by creating better versions of man. Yet each failed if that were the aim. What of their authors? It is difficult to fashion an argument for either creation or its maker 'making everything better'. Yet for Shelley one theme shines through the horror of what has been seen as a gothic horror novel rather than a contribution to science fiction. Shelly's *Frankenstein* fails because his approach is tat of St George and the Dragon: one man will change the world. The fictional teller of the tale, Walton, similarly seeks to emulate the 'go it alone', 'do it all oneself' model. Yet Shelley sees them defeated and sets collective action as the way to that better world. Walton's sailors, in refusing to go to certain death in the icy winds and waters of the North Pole, demand St George turn back: finally, Walton obeys. For Shelley, this is no defeat or failure: turning back is truly going forward - it is collective acation, taking heed of the community and those who, as the sailors do, work together, that will 'make everything better' in the future world.

Life on the Front Line: Just War Theory and the Lives of Child Soldiers in Neon Genesis Evangelio

Emily Muir

Children live within adult spaces and narratives. While images and narratives of child wartime heroes are perennial and celebrated children continue to be put at risk and are most vulnerable during times of conflict. Child protagonists are imagined as the solution to humanities suffering. This paper engages in a cultural legal reading of the fan celebrated Japanese anime *Neon Genesis Evangelion*. The series was first broadcast by TV Tokyo in 1995 and ended in 1996. In this series children are conscripted into a galactic armed conflict where

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human survival becomes reliant on an adolescent hero. In this series the representations of children antagonise perspectives of law, war, and childhood. This paper argues that the imagery of the child hero explores the failings of the Jus in Bello to protect children from armed conflict. It further analyses the cultural legal factors that influence children to participate in conflict including discussions on identity, love and country that continue to fail children in conflict zones.

<p>Digital Disruption and Legal Futures: AI here and now Z Block Level 3 Room 8 (Z308) Zoom Meeting ID: 869 2385 0441 https://qut.zoom.us/j/86923850441?pwd=MHZ0TVZvdmJQOTI3Z3NSWlIPR3lZQT09 Password: 862698 Chair: Mark Brady</p>

The Use of Artificial Intelligence (AI) Tools in Sentencing Terrorist Offenders: Legal and Ethical Implications

Maya Arguello Gomez

The use of artificial intelligence (AI) tools in sentencing terrorist offenders is a complex issue with both potential benefits and risks. AI algorithms could be used to predict the risk of recidivism for terrorist offenders, which could be used to inform sentencing decisions. However, there is also the risk that AI algorithms could be used to inadvertently automate bias, rather than reduce it. Additionally, the use of AI in sentencing could lead to a loss of transparency and accountability, especially when coupled with the concept of judicial discretion - this would potentially also adversely impact on the public perception of the justice system. Analysis of existing law and policy on sentencing in Australia, the European Union, and the United States suggests that there is no clear consensus on the legality or ethics of using AI in this context. Further, there is a concerted effort by states to advocate for the regulation of AI, though it is noted that national security interests often necessitate limited transparency. This paper will consider the potential benefits and risks of using AI, as well as the legal, human rights and ethical implications that may arise in the sentencing of those charged with terrorist offences.

The Regulation of ‘Artificial Intelligence’ in the Time of Oxymora

Yi LI (co-author Rostam J Neuwirth)

New technologies periodically pose difficult regulatory challenges in the field of law. Recently, new regulatory challenges have derived from various technologies commonly referred to as artificial intelligence (AI). AI poses severe challenges to the law, which are reflected in both the convergence of different disruptive technologies on the one hand and the rise in the use of rhetorical figures of speech known as paradoxes and oxymora or so-called “essentially oxymoronic concepts” on the other. In trying to propose useful solutions to these complex regulatory challenges, the article first discusses the conceptual challenges posed by several regulatory paradoxes and oxymora formulated to address the disruptive effects of various new technologies. It then discusses the regulatory efforts undertaken by the European Union (EU) to adopt an Artificial Intelligence Act (AIA), which is complemented by a brief overview of similar efforts undertaken by the People’s Republic of China (PRC), such as the Draft Administrative Measures for Generative Artificial Intelligence Services recently released by the Cyberspace Administration of China (CAC). Finally, the article proposes the concept “legal synaesthesia” as a new methodological approach for law to tackle these challenges, which metaphorically advocates the need for a greater consideration of the senses and human cognition as well as the application of a more flexible logic in law in the future.

Command Responsibility in the Age of AI: Balancing Theory and Practicality

Ann-Katrien Oimann

Artificial intelligence (AI) has found extensive applications to varying degrees across diverse domains, including the possibility of using it within military contexts for ethical decision-making. A recurring challenge in this area concerns the allocation of moral responsibility in cases of negative AI-induced outcomes. Some scholars posit the existence of an insurmountable “responsibility gap”, wherein neither the AI system nor the human agents involved can or should be held responsible. Conversely, other scholars dispute the presence of such gaps or propose potential solutions. One solution that frequently emerges in the literature on AI ethics, is the concept of command responsibility. Command responsibility implicates that human agents may be held responsible because they perform a supervisory role with respect to the (subordinate) AI. This article aims to examine the compatibility of command responsibility with recent empirical studies and psychological evidence, with the intention of anchoring discussions in empirical realities rather than relying exclusively on normative arguments. Our argument can be succinctly summarized as follows: (1) while applying the doctrine of command responsibility may appear theoretically sound, (2) its practical implementation raises significant concerns, (3) and although these concerns alone should not entirely preclude its application, (4) they underscore the need for caution and judicious consideration.

Generals

Z Block Level 2 Room 8 (Z208)

Chair: Michael Guihot

Kdrama Llamas: On the Regulation of “Drama” on r/KDRAMA

Nofar Sheffi (co-author Vandana Singh)

This paper will turn the focus on a platform that has over 50 million daily active users over 1,5 billion monthly active users, but that has, thus far, not been the subject of legal scholarship: Reddit. Reddit features thousands of topical subreddits known as “communities”. Discourses within these communities are regulated by state laws, the policies devised by the platform provider, community-specific policies, and platform and community norms. While Reddit policies are enforced by the service provider, community policies are devised, implemented, and enforced by moderators. These policies may be devised in consultation with the community, but, in some cases, they are formulated exclusively by moderators. Moderation decisions can be made and enforced manually by human moderators or using “bots”. Some communities make extensive use of automated moderation tools, while others make less use of them. In the Social Sciences and the Humanities, studies of Reddit have mostly employed empirical and mixed methods to analyse large datasets. To give some examples, studies have reported widespread usage of strong negative language. Studies have concluded that Reddit facilitates and even supports right-leaning politics and discourses. And studies have found that the vast majority of members identify as men, discerning gendered discourses and dynamics. Instead of datasets and key words, this paper will analyse community discourses and dynamics, focusing on r/KDRAMA, among the top 1% of Reddit Communities in terms of size with over half a million registered members. Distinctively, 77% of community members identify as women, which makes the community an especially interesting case study. Highly detailed policies regulate the “content” but also the “quality” of posts, as well as “the spirit of discussion”. They are devised and updated by consultation, including under monthly “Town Hall” posts. The policies “explain the reasoning and background” behind them and directly reflect on what makes a community “supportive”, a conversation “civil”, a prompt “effective”, and a critique “meaningful” My paper will investigate this unique set of constitutive documents and the conversations around them as a platform for a more general reflection about discourse and its regulation. What can the

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members of r/KDRAMA teach us about what makes a discourse meaningful and a community supportive? What can we learn from their attempts to facilitate more inclusive, respectful, and meaningful conversations that foster rather than discourage critique?

Splicing The Trichord of Technology, Plant Breeding and Agriculture: From The Lens of the Major Stakeholders In Northern India

Mehak Rai Sethi

The agricultural sector in India holds immense importance as a significant contributor to the country's GDP and a primary source of employment for more than half of its population. In order to foster the growth of this sector, rural diversification encompassing aspects such as employment opportunities, income generation, investments, and access to resources becomes crucial. Despite the government's implementation of various policies aimed at improving the conditions of agricultural laborers, doubts remain about their effectiveness in bringing about meaningful change. Additionally, the advent of innovative crop production methods, like digital farming, has introduced notable environmental implications that warrant examination. This paper aims to provide a comprehensive account of the prevailing conditions under various agricultural schemes and shed light on the environmental impact of emerging agricultural developments. Furthermore, it seeks to offer an empirical analysis of the current situation in three prominent Indian states that witnessed significant advancements during the Green Revolution: Punjab, Uttar Pradesh, and Haryana. By delving into this paper, readers can acquire valuable insights into the efficacy of Indian laws and policies, as well as their present-day effects on the agricultural sector. It is essential to recognize that sustained efforts are necessary to improve the conditions of all stakeholders within the agricultural sector while simultaneously promoting sustainable practices that mitigate environmental impacts. By thoroughly understanding the intricacies of the existing circumstances and exploring potential avenues for improvement, stakeholders can work towards enhancing the welfare of agricultural workers and fostering a more environmentally conscious approach to farming. In conclusion, this paper offers an in-depth exploration of the current state of the agricultural sector in India, analyzing the efficacy of existing laws and policies, and evaluating their impact on various aspects of the industry. By emphasizing the importance of sustainable practices, it underscores the need for ongoing efforts to enhance the well-being of stakeholders while minimizing the environmental footprint of agriculture.

The Implications of the Consumer Data Right on the Empowerment of Farmers

Bikalpa Rajbhandari

The Consumer Data Right is the Australian data portability legislation that enables a consumer to access and share their data. Through the act of enablement, the CDR is aimed at empowering the consumers as well as facilitating growth of the Australian economy by improving the availability and use of data. Although the CDR applies throughout the economy it applies on a sector-by-sector basis. The sectors that have been designated thus far include banking, telecommunications, energy, and non-bank lending. The agriculture sector has been identified by the Treasury as a potential sector for future designation of the CDR. It is pertinent to explore the implications of the CDR on farmer empowerment due to two contemporary policy developments: (1) the identification of agriculture as a potential sector for the Treasury's application of the CDR and (2) improved management of farm data, including the ability of Australian farmers to access their data. The latter point is important because, if implemented in the agriculture sector, the CDR could address the concerns of farmers about not being able to access and share their farm data with ease. The CDR could improve experience of the farmers as consumers of digital agricultural technologies by enabling them to maximize the value afforded by their data. This is important considering the urgent need to improve sustainability and resilience of agricultural practices amidst the growing climate change concerns. The focus on the CDR is also important because it was

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specifically considered in the Digital Foundations for Agriculture Strategy (a 2022 report by the Department of Agriculture, Water, and the Environment) as a mechanism empowering the farmers. The National Farmers Federation has also identified the CDR as an important instrument in empowering the farmers. The application of the CDR in the agriculture sector is, therefore, a critical question in need of exploration which is yet to be explored in detail. This paper examines how the CDR could apply to the agriculture sector and investigates its impact on the farmers, thus filling a gap in our knowledge

Author Meets Readers- discussion of Anat Rosenberg's The Rise of Mass Advertising: Law, Enchantment, and the Cultural Boundaries of British Modernity

Anat Rosenberg

Timothy D Peters, William P MacNeil

(Oxford University Press, 2022 – available open access here: <https://academic.oup.com/book/44294>)

The Rise of Mass Advertising is a first cultural legal history of advertising in Britain, tracing the rise of mass advertising c.1840-1914 and its legal shaping. The emergence of this new system disrupted the perceived foundations of modernity. The idea that culture was organized by identifiable fields of knowledge, experience, and authority came under strain as advertisers claimed to share values with the era's most prominent fields, including news, art, science, and religiously inflected morality. While cultural boundaries grew blurry, the assumption that the world was becoming progressively disenchanted was undermined, as enchanted experiences multiplied with the transformation of everyday environments by advertising. Magical thinking, a dwelling in mysteries, searches for transfiguration, affective connection between humans and things, and powerful fantasy disrupted assumptions that the capitalist economy was a victory of reason.

The book examines how contemporaries came to terms with the disruptive impact by mobilizing legal processes, powers, and concepts. Law was implicated in performing boundary work that preserved the modern sense of field distinctions. Advertising's cultural meanings and its organization were shaped dialectically vis-à-vis other fields in a process that mainstreamed and legitimized it with legal means, but also construed it as an inferior simulation of the values of a progressive modernity, exhibiting epistemological shortfalls and aesthetic compromises that marked it apart from adjacent fields. The dual treatment meanwhile disavowed the central role of enchantment, in what amounted to a normative enterprise of disenchantment. One of the ironies of this enterprise was that it ultimately drove professional advertisers to embrace enchantment as their peculiar expertise.

The analysis draws on an extensive archive that bridges disciplinary divides. It offers a novel methodological approach to the study of advertising, which brings together the history of capitalism, the history of knowledge, and the history of modern disenchantment, and yields a new account of advertising's significance for modernity.

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DAY 2

WEDNESDAY 8:45-10:15

Panel Session 4

Decolonial futures Imagining Decolonised Law
Z Block Level 6 Room 6 (Z606)
Chair: Shane Chalmers

Law, Violence, Music, and Decolonising the Coronation Ceremony

Edwin Bikundo

Whereas both law and music have provided justification for specific uses of violence as a necessary evil, that overlap between two is seldom considered beyond relatively obscure aspects of Ernst Kantorowicz's work and Giorgio Agamben's allusions to that work. Which is to say that although law and music have provided means explaining the role of violence, this remains somewhat unexplored and under theorized. Musicality with its cadences, both tones and rhythms, is uniquely placed to consciously marshal the unconscious impersonal centripetal-centrifugal forces that simultaneously promise to bring society together while threatening to tear it apart. This moreover is all done sub rationally which is to say it takes the place of any transcendent logical legitimization of the society under ritual formation. The paper argues that the common relation combining music, law and violence is that each singly and together can be directed to either aggregate or disaggregate – ceremoniously, the body politic. Coronation ceremonies centering music in the installation of the monarch are no exception to this, instead being in their own way exemplary of those relations and that process. Demystifying its imperial and colonial registers to dismantle it and open the imaginative space up for alternatives remains a contemporary challenge for decolonization. Consequently, identifying with friends and not against enemies, real or perceived, is a pathway worth exploring whether for mass or individual politics and ethics.

'We're doing everything but treaty': Technologies of law reform in the colonial debtscape

Maria Giannacopoulos

Mary Graham's turn of phrase, 'they got a country for free' cuts right to the heart of the indebted nature of Australia's colonial sovereignty and encapsulates the underlying criminality structuring 'Australia' and its economy. When land, subterranean earth and water are rendered freely available for use without payment, compensation or accountability to Aboriginal peoples, then this limitless accumulation of debt makes possible the very existence and economic standing of contemporary Australia. During the 2007 Global Financial Crisis, considered the worst since the Great Depression, when Australia was busy looking beyond itself to see sovereign debt and austerity, Tony Birch offered a sobering and urgent challenge to Australia: for sovereignty to become a viable concept for discussion among the wider non-Indigenous communities it must take responsibility for its colonial debts. A country taken for free, the denial of responsibility for that theft and the unpaid debts it has accrued generates the colonial debtscape. Against this backdrop, I examine the role of colonial law in seeking to displace treaty through the technologies of reform. In 2023, as Australia pushes urgent calls for treaty aside and moves rapidly towards a referendum to alter but ultimately reaffirm a colonial legal system, the conversation on

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the role of colonial debt, its continual and ongoing accrual and the brutality of ongoing austerity in the settler colony is yet to take place.

A World Where Many Worlds Fit': On the Zapatista Model of a Just Society

Luis Gómez Romero

On January 1st, 1994, the Indigenous Zapatista Army of National Liberation (EZLN, Ejército Zapatista de Liberación Nacional) rose up in arms, in the south-eastern Mexican state of Chiapas, in response to the daily oppressions and injustices Indigenous peoples face within Mexican neo-colonial political systems and juridical orders. The Zapatista movement is grounded on a distinct methodology that structures political thought in the framework of Maya worldviews. This resulted in a unique political practice in which, for example, revolution does not aim to seize power, but rather to transform civil society. This paper will discuss the key political principles informing the Zapatista model of a just society that results from such a methodology and practices: the centuries-old Indigenous moral economy that resists turning land into a commodity, the radicalization of democracy through the mandate of command by obeying (mandar obedeciendo), and the transformation of pluralism into the pursuit of a world where other worlds fit (un mundo donde quepan otros mundos).

Whose Road Safety for Who?: Road Safety, Transport Injustice and Safe Mobility for First Nation Women AFLJ Celebration: Othering, political economy and coloniality

Gina Masterton (co-authors Mark Brady and Kieran Tranter)

Post pandemic Australia is experiencing a road safety crisis. After decades of declining road trauma, 2022 witnessed increases in the number of road deaths and injuries. The past success in reducing the road toll from historic highs in the 1970s was multifactorial; Safer vehicles and roads, combating drink driving, road safety education campaigns, more visible road rule policing combined with automated policing technologies (speed guns, cameras) and better and graduated driver license training. The post pandemic upswing in road trauma has led to a chorus of voices from the road safety industry – police, transport authorities, road safety researchers, motoring groups – for further intensification of the governing of Australia's roads: More road policing and surveillance technologies, more training and costs in getting and securing drivers licensure, more stringent vehicle safety design standards. This paper contextualises these trajectories of reform within the context of enduring transport injustice for First Nations peoples and particularly women. These techno-legal responses to road trauma are complex yet mundane examples of biopower: of the management of human life. The Australian settler state in its unfinished project of colonialism and denial of First Nation sovereignty endures, indeed still thrives, through biopolitical activities. The urban and urbane public good of road safety becomes a very different experience when transposed to the mobility of First Nations women. The good of safety dissolves leaving just instruments of control. Indeed, in the name of road safety First Nation women, particularly, are made unsafe. Criminalised and immobilised in unsafe contexts of violence – the laws, policing and technologies of road safety – further colonialism through the bodies and lives of First Nation women. In this context the new round of proposed road safety reforms can only be expected to intensify these experiences and injustices.

Z Block Level 6 Room 7 (Z607)

Zoom Meeting ID: 854 2614 6914

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Chair: Sonia Qadir

Reimagining Australia and settler colonialism through feminist legal history

Sarah Ailwood

This paper argues that law and humanities approaches are critical to the writing of feminist legal history. Further, I argue that within the Australian context, the writing of feminist legal history is critical to a more complete understanding of Australian settler colonialism and roles historically played by women, as a way in the reimagining a feminist future. Much of feminist legal history has yet to be written, particularly within Australian contexts. As Erika Rackley and Rosemary Auchmuty have recently argued, the advancement of feminist legal history requires ‘feminist legal historians to recover and present women’s own stories of their encounters with law; to search out women’s voices in autobiographical accounts, oral histories, the press, fiction even; to look beyond self-referential legal historical accounts’. Leveraging Rackley and Auchmuty’s call to women’s storytelling as a mode of discovery for feminist legal history, I argue that we can only really write women into feminist legal history by expanding the parameters of legal history to include ‘legality’ – a pluralistic understanding of law located in a range of expressions of legal meaning – because it is here that we are more likely to locate women, as storytellers and in a range of other roles, to trace their experiences and contributions to law and justice. I will anchor this call for a humanities-based approach to writing Australian feminist legal history through a case study focused on Anna Josepha King, the first consort of a New South Wales Governor to accompany their spouse to New South Wales. Throughout the paper I explore the intersection between feminine agency and Indigenous dispossession that lies at the heart of King’s settler colonial experience. More broadly, I consider how Governor’s wives – women who were extremely close to power within the settler colonial context yet held no official role – might be encompassed within a framework of feminist legal history.

Bringing law back in: Theorizing the role of law in shaping the social reproduction bargain

Angela Kintominas

A rich interdisciplinary feminist project spanning the fields of critical political economy, feminist economics, geography, migration, sociology and social policy has long sought to theorize and make visible the role social of reproduction and reproductive labour in sustaining both life and labour power, and its transformations, ‘depletions’ and ‘crises’ in post-Fordist life (Bakker and Silvey 2012; Bhattacharya 2017; Federici 2019; Ferguson 2020). With some notable exceptions, however, much of the intensive feminist attention upon social reproduction has taken place outside of legal scholarship (cf Fudge 2014; Shamir 2011; Goldblatt and Rai 2020; Kotiswaran 2011). This might be attributed to several general factors: a dearth of materialist-informed approaches in feminist legal theory (Conaghan 2013), legal feminists’ liberal orientations towards work (Ferguson 2020), and a greater focus on unpaid care in the family, rather than paid (particularly abject) reproductive labours performed in the market (Kotiswaran 2013). In addition, non-legal disciplines have, for their part, been routinely less concerned with the role of law in their accounts of social reproduction, leaving the role of law in shaping the social reproduction bargain undertheorized. This paper seeks to articulate a feminist legal approach to social reproduction theory in order to make visible the constitutive and distributional effects of law in shaping markets in reproductive labours, focusing specifically on paid care and domestic work. As well as drawing upon insights from non-legal feminist disciplines, particularly feminist political economy, there is also a need to re-centre the role of law as a key – even if not exclusive – dimension to the broader social, political and market positioning of care and domestic work. First, this paper sets out how the law entrenches the invisibility of reproductive labour as non-value and non-work, through its performative rehearsal of imagined boundaries between ‘production’

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(public, market) and 'reproduction' (private, family). Second, extending insights from feminist political economy, this paper scaffolds the role of law in constructing markets in reproductive labour across the axes of the welfare state, labour and migration law. Finally, this paper argues that highlighting law's contingency opens up space for legal feminists to re-imagine more equitable distributions and organizations of reproductive labour through law, while challenging the future direction of labour law at the same time (Fudge 2014; Kotiswaran 2014).

Storytelling, Silence and Listening

Nan Seuffert (co-author Aunty Barbra Nicholson)

Australian governments have recently engaged in a plethora of law and policy reform processes on violence against women, often incorporating 'consultation' with victim/survivors into these reform processes, asking women to tell their stories of violence. Women's voices are elicited through submissions, hearings, roundtables and other methods, with the implicit or explicit promise that they will be listened to, and heard, and that their experiences will be reflected in the reform. Yet survivors, advocates, community workers and others report that they are not heard, or that aspects of their stories are 'cherry picked' to suit the reform agenda (Hanley et al 2015). Aboriginal and Torres Strait Islander women have, perhaps most consistently and persistently, called for governments to listen to their experiences, concerns and strength-based solutions to violence against women. This paper begins by considering colonial silencing in Australia, and moves on to calls for listening from First Nations women and responses to those calls. Aunty Barbara Nicholson then reflects on storytelling, silence and listening, as well as on the body of transdisciplinary thought on Indigenous 'deep listening' in Australia, from a Wadi Wadi perspective. The aim of the larger project from which this paper emerges is to contribute insights about silence and listening to law and policy reform processes that move towards recognising the ethics and responsibilities of eliciting Indigenous women's voices, and of political and institutional listening.

Apprehending the 'human' in human rights: Recognising the subjects of drug – related laws from a feminist legal perspective

Sean Mulcahy and Kate Seear

In *Frames of War*, Judith Butler poses the "problem of apprehending a life" (2009: 3) and argues that "specific lives cannot be apprehended as injured or lost if they are not first apprehended as living" (ibid: 1). This paper takes up that problem with specific reference to the lives affected by drug-related laws and, in so doing, draws from feminist legal scholarship that explores Butler's ontological question in the context of drug law and policy (Seear, Fraser and Madden 2020; Seear 2015), critical drug scholarship (Dertadian and Rance forthcoming) and human rights (McNeilly 2015). In particular, we examine the legislative human rights scrutiny processes in Australian parliaments and question: who is the 'human' that is entitled in human rights in the context of drug-related laws. Our analysis draws from interviews undertaken with parliamentarians and parliamentary staff involved in these human rights scrutiny processes, and particularly on their reflections on the subjects of drug-related laws, as well as a collation of laws and accompanying human rights scrutiny instruments concerning alcohol and other drugs. As part of our analysis, we further question whether these processes are so mechanised that the subjects of drug law reform become dehumanised and degendered (Seear and Mulcahy 2022), and that the parliamentary actors themselves (the *homo ex machina*) become desensitised and therefore disconnected to the subjects of law reform. Butler, Judith (2009) *Frames of War: When is Life Grievable?* London: Verso; Dertadian, George and Jake Rance (forthcoming) 'Lives worth grieving: Differential coverage of overdose deaths in Australian news media (2015-2020)', *Contemporary Drug Problems*; McNeilly, Katherine (2015) 'From the right to life to the right to livability: Radically reapproaching life in human rights politics', *Australian Feminist Law Journal* 41(1); Seear, Kate (2015) 'Making addiction, making gender: A feminist performativity analysis of *Kakavas v Crown Melbourne Limited*', *Australian Feminist Law Journal* 41(1); ---, Suzanne Fraser and Annie Madden (2020) 'The problem of the subject: The problem of post-mortem rights in the aftermath of drug-related deaths',

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Australian Feminist Law Journal 46(2); Sean Mulcahy (2022) 'Enacting safety and omitting gender: Australian human rights scrutiny processes concerning alcohol and other drug laws', Contemporary Drug Problems 49(3)

<p>Crisis and critique: Critical responses to technological and other disasters Z Block Level 3 Room 8 (Z308) Zoom Meeting ID: 859 8546 7870 Join from PC, Mac, Linux, iOS or Android: https://qut.zoom.us/j/85985467870?pwd=aGhkK05reEZSWVh5U0RKd2RPeVF6UT09 Password: 970341 Chair: Desmond Manderson</p>
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Drivers of the Future: Roads as Othering Spaces

Sarah Marusek (co -author Lachlan Robb)

The road represents a unique transitional space that removes a certain amount of humanity from drivers. Through changes in the built environments, or roadscape, speed and spatial entitlement transforms the interactions between cars, cyclists, and pedestrians. No longer 'people', vehicular implementation of car worship culture de-personalizes the humanity in these othering spaces in lieu of automated technology that anonymizes movement. This creates an 'othering' process of road users that can invite aggression, impatience, and selfishness in ways that people would not ordinarily act towards one another. Recognising the nature of this process is important as societies move towards rethinking the built environment of roads, highways, carparks, and even the nature of cars themselves. This paper critically looks to how the road is a space where drivers interact with cars, cyclists, and pedestrians in ways that conceptually tether Hart's notion of justice to Augé's modernity of non-places through the mediation of legal culture through automobile technology (Banakar 2012) and multiautoculturalism (Dawson, Day, and Ashmore 2020) through the regulatory development of roadscape for cultural negotiation (Seo, 2019 and Vinsel 2019). Understanding the relationship between roads and humanity will be important to understanding how these futures may unfold, especially with the development and social implementation of autonomous vehicles.

The Time of Crisis: discourse and experience

Richard Mohr

We are told we live in a time of crisis: climate, health, housing, cost of living. Crisis discourse pervades the media, politics and social theory: 'Crisis sells well', Umberto Eco wrote in 1980. According to some accounts we have been living in a state of crisis since the seventeenth century: 'Modernity itself is defined by crisis' (Hardt & Negri). And yet a ubiquitous or permanent crisis is an oxymoron: it is no crisis at all. What constitutes a 'real' crisis? The question has political, social and legal implications. A climate crisis demands specific action: a state of emergency, recovery response, or exemption from criminal liability in extraordinary protest action. Originally the word 'crisis', in medicine, law and theology, signifies a turning point: death or recovery; judgment; the last judgment. The paper draws on these origins to distinguish between crisis discourse and the experience of crisis. Disasters and catastrophe give a glimpse of that experience. Deaths from flooding, heatwaves, and other extreme weather events operate at a different level from debates over whether to declare a climate emergency. I will show and read the work of artists whose work illustrates their own lived experience of crisis. We see that in a crisis time

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flows differently, shifting from the predictable temporal flow of discursive narrative into an apocalyptic present. Time stops. It can, from here, run both ways. The trauma is lived forward as well as backward: in trauma relived, in redemption and damnation. My conclusion returns to the question of protest, not as a question of criminal defence, but as a world-affirming performance of hope that bears witness to crisis and honours the dead. I draw on Walter Benjamin's apocalyptic impulse to make history explode (Thesis XV).

<p>Generals</p> <p>Z Block Level 3 Room 9 (Z309)</p> <p>Zoom Meeting ID: 860 4011 7147</p> <p>https://qut.zoom.us/j/86040117147?pwd=VFRRR0tGMWhNK3YzYkdNTFM3SEhzQT09</p> <p>Password: 204910</p> <p>Chair: Kim Weinert</p>

Justice Bao Stories: An Interesting Blend of Fact and Fiction

Veronica C. Hendrick

Justice Bao Zheng (999 – 1062) was an upright politician during China's Song Dynasty. Since the late 1500s, he has been fictionalized as the character of Judge Bao. In both writing and performance, Judge Bao is not only the person who officially tries and sentences criminals but also he is an off the books detective who unearths the details of the culprit's transgressions. In some of the traditional stories, Bao is helped through ghostly intervention, such as in Case 10. Justice Skillfully Solves the Chamber Pot Case. Now, contemporary incarnations of Judge Bao stories incorporate modern science and technology as well as futuristic and alien influences to help him solve crime in the 20th century. Tracing the legacy of Judge Bao stories from their first inception to their current manifestation leads us from the historical to the fictional, from real world judges to spiritual ghosts.

Staked Through the Hart: The Evolution of the Lex Vampirica

Alicia Marsden

The figure of the vampire acts as a physical manifestation of the Other's response to law. The vampire sits outside a system of rules that involve the Other; they follow and are governed by their own laws. How do such laws develop, and do they evolve over time? What happens when the vampire itself evolves? This presentation will track three major iterations of the vampire to analyse the law of Bram Stoker's *Dracula*, Anne Rice's *Interview With The Vampire*, and Bret Easton Ellis' *American Psycho*. In mapping the evolution from the Victorian archetype to the late 20th century romanticised figure, and ending with the postmodern gothic monster of Patrick Bateman, who I argue exemplifies the postmodern vampire, this paper theorises the evolution of the vampire's internal and external law as a product of its respective society. In doing so, this paper will be arranged into two parts. First, this presentation will briefly outline the three vampiric archetypes and their role in the literature. Then, it will briefly outline how each vampire archetype reacts differently to the imposed primary and developed secondary laws of their respective vampire or human society — this suggests a correlation between the vampire and the cultural attitude towards law which will be expanded upon. This presentation will track the evolution of the vampire using Hart's theory of primary and secondary rules to reveal how vampires form a system of obligation, creating new rules through power and fear. As a genre, the Gothic revolves around the intersection of fear and the Other. The vampire evolves as we, too, evolve – for better or for worse. A changing legal landscape

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ushers in the new vampire, and with it, new laws. In looking forward, this paper will ask: what comes next? Who and what is the Lex Vampirica of the 21st century?

Resistance Breeds Contempt

Tamsin Paige

As global politics marches further and more loudly towards fascism and genocidal repression of marginalised people the question that looms large is: how do we resist this injustice? With the rise of “gender critical ideologies”, open resurgences in white nationalism and Nazism, and growing acceptance of torturing and abusing refugees this question takes on a growing urgency. In this paper I intend to use Honni van Rijswijk’s YA body horror and near future corporate climate dystopia novella, *Breeder*, as an entry point to discuss what constitutes effective resistance to injustice. Van Rijswijk’s novella has at its heart a tense discussion on this issue played out between the protagonist and their love interest – with one focused on immediate, violent, and destructive resistance that takes on an almost nihilistic bent, and the other committed to patient, methodical, subversion from inside the system resistance. Using this discussion is an entry point to the larger issue of “how do we resist injustice?” I will examine what constitutes effective resistance to unjust legal and cultural systems. In this paper I will suggest that resistance to injustice requires space for a large variety of different methods and approaches to resistance in order to be effective. This is not because such resistance is a multi-front fight, but rather because when insufficient space is created for different types of resistance, those engaged in resisting injustice have a propensity to focus on fighting each other over the “correct” approach rather than fighting the common enemy.

The fantastical claim of authority

Julen Etxabe

“You have gained access to their minds and they have granted you authority. But in my mind you are not welcome” (Long John Silver to Captain Flint, “Black Sails”) Theorists of authority from Weber to Raz try to understand the conditions under which authority can be properly exercised and be effective, as well as legitimate. Thus, they devise typologies to understand different forms of authority and link particular claims of authority to certain kind of reasons. Agamben argues in the context of Roman law that, differently, authority (*auctoritas*) exhibits its most proper character at the point of its greatest legal inefficacy. Herein lies authority’s great mystery: authority can be shown to exist precisely when it appears to fail. Indeed, authority must presuppose the possibility of its own infelicity, as authority can be withdrawn, questioned, lost, or misplaced. If so, how are we to understand authority and the pull it exercises over those who abide by, or fall within, it? In this presentation I want to speak of authority not as a thing that anyone can possess, but as a relation.

Roundtable: Toward an ecosophical neighbourhood

Alex Pelizzon and Theresa Ashford

Roundtable - Z Block Level 4 Room 13 (Z413)

To answer the above question, we have launched an applied research project titled the Ecosophical Neighbourhoods Project. The ultimate goal of the project is to provide a blueprint the design, development and implementation of an actual neighbourhood based on a set of ‘ecosophical’ principles. The project brings together a host of diverse lenses (such as, for example, Joahn Rockstrom’s ‘Planetary Boundaries’, Kate Raworth’s ‘Doughnut’ Model, and the entire emerging field of Ecological Jurisprudence) to answer the above question around a series of distinct axes: environmental planning, architecture, and law and governance, to name a few. We would like to propose a roundtable to discuss the role of law in determining and designing ‘ecosophical’ living arrangements. This roundtable is intended as a participatory and collaborative effort to identify key pathways for further research and application.

Workshop: Period tracking design thinking

Rachel Hews, Hayley Langsdorf, Kim Langsdorf

Workshop - Z Block Level 2 Room 8 (Z208)

Period tracking apps are becoming increasingly popular. The apps claim to allow users to better manage their periods, but they require users to provide and share highly sensitive period-related data. It is often unclear how period-related data will be used, whether it will be stored securely or whether it will be on-sold and how accurate in-app predictions are. In conjunction with the QUT Law School, Digital Media Research Centre, and Thoughts Drawn Out, the facilitators will use two back-to-back legal design sessions to better identify the opportunities and the risks of period-tracking apps for users and to identify potential solutions to identified concerns.

This is not your typical conference presentation: this is co-design in real-time!



Sessions:

Sessions 1 and 2 build on each other, but if you can only attend one session, that's ok. If you can't attend the sessions, there will be an opportunity to interact with the project during the conference. Keep an eye out for the relevant posters and QR codes.

1. Session 1: Explore (Wed 8:45am – 10:15am)
2. Session 2: Emerge (Wed 2pm – 3:30pm)

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Background:

Apple Ad (25 May 2023): [Apple “Mary’s period is due to start in 3 days”;](#)

ABC News (15 June 2023) [Should you use a period tracker or fertility app?;](#)

BBC News (7 Sept 2023): [Period trackers to be reviewed over data concerns.](#)

Important: Please note participants will be asked to sign a research consent form allowing anonymised workshop data to potentially be used for research purposes. This is a gender inclusive session that welcomes a diverse set of voices.

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WEDNESDAY 2:00-3:30

Panel Session 5

Decolonial futures Security, Technology, Coloniality
Z Block Level 6 Room 6 (Z606)
Chair: Maria Giannacopoulos

Facebook's Crowds and Publics: Contemporary Community Standards and the Legal Regulation of Hate Speech in Colonial India

Siddharth Narrain

Traditionally liberal free speech norms have distinguished between 'attacks on people' and 'attacks on concepts and institutions' in identifying speech acts, including hate speech that should be regulated by law. While 'attacks on people' can be regulated by law, 'attacks on concepts and institutions' have been generally seen to be protected by free speech values and norms. This distinction was the basis of the decision of Facebook, Google, and other platforms not to take down the 'Innocence of Muslims' video in 2012 despite protests and violent riots against the video in many parts of the world. In a relatively recent development, Facebook's Community Guidelines on Hate Speech, in a major departure from content moderation rules of other platforms have recognized that attacks on 'concepts and institutions', will constitute hate speech under certain circumstances. Contemporary platform regulation when understood through the lens of longer histories of media regulation demonstrates how Facebook's community guidelines are changing in relation to the development of legal doctrine in contexts such as India, where hate speech law has historical, political, and social trajectory rooted in British colonial regulation of speech acts. The trajectory of hate speech law in India was marked by Indian nationalists mobilizing crowds and publics using forms of print in their struggle against British colonial rule as well as community groups mobilizing crowds and publics through vernacular media to construct and solidify communal or religious group identity. Drawing on the interaction between media, crowds and publics in the trajectory of hate speech law in India, I will demonstrate both continuities, and differences between the legal regulation of speech in colonial India and the contemporary platform regulation on a global platform such as Facebook.

Suspect Citizens to Suspected Terrorists: the Legal Politics of Pakistan's Terrorism Watch List in the disputed territory of Gilgit-Baltistan

Sonia Qadir

The heightened use of securitized infrastructure to police Pakistan's racialized peripheries during the War on Terror has been theorised as the construction of a "check-post state" (Akhtar, 2022). In this paper I argue that in addition to infrastructural and extrajudicial forms of control and intimidation (checkposts, enforced disappearances, targeted assassinations, fake police encounters et al), the War on Terror has also allowed the postcolonial State in Pakistan to employ several legal technologies to police those who are racially marked and deemed suspicious through the lens of the security apparatus. One of the most notable technologies employed in this context to control mobility, speech, economic stability and even citizenship rights of suspect populations is listing. A list has been defined as a "technique of ordering and knowledge" and security lists function as "inscription devices" that produce "specific material, political and legal effects" (de Goede and Sullivan, 2016). In the case of Pakistan, Schedule IV of Anti-Terrorism Act 1997 serves as the country's primary terrorism watch-

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list. The paper focuses on the use of Schedule IV against progressive activists from Gilgit-Baltistan – a region under de facto Pakistani administration but which is de jure an internationally disputed territory between Pakistan and India. Largely governed by the Federal Government of Pakistan with no representation in Pakistan’s parliament, the people of Gilgit-Baltistan exist in a complex colonial relationship with, and on the margins of, the Pakistani nation-state. The paper aims to understand the ways in which listing as a legal technology is both enforced and contested in colonized marginal geographies like Gilgit-Baltistan in the backdrop of the War on Terror, and how it may help us to understand the emergent legal security state in Pakistan and beyond.

The role of law in the transformation of colonial agricultural production in British Colonial India

Kencho Peldon

In the nineteenth and early twentieth centuries, the British government looked at the Colony of India as a potential alternative source of cotton fibre supply for Britain’s rapidly growing cotton textile industry. This decision was based on several factors: Indian farmers had extensive knowledge of cotton cultivation, production and cotton thread spinning; local handloom weavers had already produced and exported fine cotton textiles to England; and the British colonial administration in India had the political and economic means to leverage upon the local cotton production to increase cotton supply for industrial needs of Britain. Using cotton regulation in British Colonial India as a case study, I look at the role the law played in transforming colonial agricultural production. The history of the British state’s interests in the control of plant materials can be examined by following the cotton laws and regulations which came to intervene in the local cotton supply chain. Following medieval England’s sumptuary laws, the British government initially regulated the consumption of cloth and finished clothes in Britain. Over time, the British colonial government in India shifted its focus to unprocessed cotton products and somewhat later began to regulate cotton by focusing on the plant’s biological material. I argue that the legal regulation of cotton as a biological material resulted from the gradual transformation of post-harvest crop production across the supply chain. The regulatory techniques to increase cotton supply, which the British colonial government applied in agricultural crop production, directly regulated plant materials and, ultimately, the laws closed the gaps in crop cultivation, farming, cotton fibre production and supply.

Political Economy of Information Technology Regulation in India: Impact of Coloniality on Technology Laws and Modern Legislative Practices

Shohini Sengupta

In the last two years, the Indian Government has introduced a flurry of new rules to regulate online intermediaries. These include the Information Technology (Intermediaries Guidelines and Digital Media Ethics Code) Rules 2021 along with amendments, gaming regulations, e-commerce regulations, amendments to the Cinematograph Act, the Digital Data Protection Bill, 2023, and proposals to introduce altogether new legislation to replace the Information Technology Act in India. Together, these legislative changes indicate the changes to the architecture of the open Internet and the way the State regulates emerging technology in India amidst a phase of severe public contestations between the ‘State’ and the ‘people’. This paper intends to understand these contemporary legislative changes by juxtaposing them with the history of communication and media regulation in India under British colonial rule in the 18th and 19th centuries. The paper proposes to present a normative challenge to the new laws in their claims to neutrality, objectivity, and contemporaneity, and add to the scholarship on historicising the underlying logic of modern technology regulation by the Indian State. To this extent, in the first part, the paper will trace the legacy of coloniality and its economic, and political logic in India, and the resultant codification of power and control over information, media, and communication technology. It will focus on the law’s relation to the colonial and the post-colonial State and the carry-over effect of such legislative history on modern laws. In the second part, the paper will examine the contemporary legislative and

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regulatory context for information technology regulation to provide perspective and possible trajectory on continuing State monopoly over new technology, focussing on online intermediaries as an illustrative example. In the third and final part, the paper will focus on the consequences of this political and legislative background on the governance of online intermediaries in India, and its possible futures. This part will present an examination of alternative frameworks to the governance of online intermediaries in India, drawing upon existent models of governance and exploring the consequences of such regulation and its resultant potential for speech restriction in India. (Please note that an earlier version of this paper is available on SSRN - Sengupta, S. and Giridhar, A., 2021. Political Economy of Communications and Media Regulation in India: Impact of Laws on Online Curated Content Centre for Research in Finance, Technology & Law Working Paper No. 4/2021. Technology & Law Working Paper, (4).

Archiving atrocities: Technologies of truth
Z Block Level 6 Room 7 (Z607)
Chair: Olivia Barr

Doing Justice to the Archive: Constructing the Victimhood through the Legal Order of Extraordinary Chamber in the Courts of Cambodia

Minh Le

In the field of international criminal justice, the victims, as a legal category, are only recognised before a tribunal on the basis that their sufferings are legible before the law's recognition. At the Extraordinary Chamber in the Courts of Cambodia (ECCC), mandated to prosecute and to try the heinous crime committed by the Khmer Rouge regime in Cambodia, the translation of sufferings into legally recognisable evidence has been greatly contributed by many archives. The archives of testimonies, photos, maps, lists of prisoners, etc have been used by different actors at the ECCC, from the Co-Prosecutors, the Co-Investigating Judges, to the Defense Lawyers, the Counsels of Civil Parties and so on. Such usage of archives at the ECCC has been argued to be necessary since they are credible data upon which the ECCC could establish judicial truth. However, such judicial truth are limited in the sense that the ECCC could only operate upon relevant evidence in terms of space, time, subject-matter and subjects. It means that in order to be recognised as victim by law, one must be victimised in a relevant space, at a relevant time and by a relevant commission of crime as well as relevant accused individuals. This paper inquires how the sufferings of conflict-affected individuals are registered in two domains: the archives and the ECCC's legal order. While archives inscribe the sufferings of Khmer Rouge survivors into data, the practice of including and excluding upon the archives by the ECCC's legal order constructs the subjectivity of victims.

Archival politics: The Khmer Rouge atrocity archives across spacetime

Maria Elander

Across the world, public and private actors are documenting harm and abuse for the purpose of accountability. The number of actors and the extent of their activities have become so intense that International Criminal Court Prosecutor recently warned against 'over-documentation'. Against this interest in creating archives and documenting harm for purposes of accountability mechanisms, the case of the Khmer Rouge atrocity archives provides an example of where a range of actors created archives for the purpose of future accountability but where the accountability mechanism has run its course. In this article, we seek to problematise both the simplistic transitional justice narrative and the linear archives lifecycle model to instead show the longer-term

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politics of atrocity archiving and the movement of these kinds of records across different kinds of archives, including an international(ised) court.

<p>Digital Disruption of and Legal Futures: Vision and Envisioning Z Block Level 3 Room 8 (Z308) Chair: Lachlan Robb</p>
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Virtual Autopsies: Machinic Vision in Death Investigations

Marc Trabsky

Forensic imaging technology purports to offer the ideal of a virtual autopsy. Post-mortem computed tomography (CT) comprises both a mechanical instrument and a computational technique that virtualises the interiority of the corpse by disassembling it into an undefined set of slices and reassembling it in a three-dimensional visualisation. In transmuting the materiality of organs, tissues and bones onto multi-planar reconstructions, the technology offers judicial observers the allure of seeing ‘corporeal evidence’ with their own eyes. Yet what they see can only be revealed through an assemblage of machines, techniques and images, and the inter-subjectivity of the dead body, medico-legal expert, and the judicial observer. In this presentation I will discuss the scope of my Australian Research Council DECRA project on ‘Socio-Legal Implications of Virtual Autopsies in Coronal Investigations’, which examines how forensic imaging technology impacts death investigations in Australia. CT problematises the ‘mechanical objectivity’ of the forensic gaze by embedding an automated machine in a medico-legal investigation into sudden, unnatural, violent and accidental deaths. It makes demands on coroners, pathologists, prosecutors, and lawyers to acquire new skills in deciphering the meaning of pixelated shadows and interpreting CT scans as evidence of death causation. If the use of post-mortem CT is to be expanded in Australia, then it is critical to understand the human-machine relations that are created through the innovative turn towards virtual autopsies.

Legal Embodiment in Virtual Reality Spaces

Ashley Pearson

This paper will explore the evolving relationship between law, embodiment and gesture in the context of emerging Extended Reality (XR) technologies, encompassing Virtual Reality (VR), Augmented Reality (AR) and Mixed Reality (MR) devices. Extended reality technologies augment, enhance, or replace the user’s sensory perception, allowing them to see, hear, and interact with virtual objects, avatars, and information overlaid onto the physical world. Such technologies amplify the natural boundaries of human perception and interaction by enabling users to engage with digital content and virtual environments in more immersive and interactive ways. As with all digital technologies, code has irrefutable authority in shaping interactions between platforms and users, as well as interactions between users, by limiting what kinds of actions are permissible in the first place. Unique to the modality of XR technologies is the way in which interaction is usually mediated through the body by tracking the user’s motions, hand placement and gestures, and even eye movement, in combination with more traditional data input devices such as keyboards and controllers. By using the body as the primary controller, the impact of code as a regulatory tool is not just seen but also felt in what is limited through gestures that may produce undesired, or technically meaningless results. This paper suggests that interactions with law using XR technologies has the potential to transform how we engage and perceive the law, as it becomes embodied in our gestures and written within our physicality. As ever, the media through which law is experienced shapes the forms that law itself may take. The renewed focus on body and gesture, rather than language-based mechanisms, in XR spaces requires a new semiotics of legal performance as users learn how to interact with the systems of regulation in this virtual context. Moreover, as legal subjects the opportunities to capture biometric,

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biopolitical, behavioural, and gestural data within XR technologies through things like spatial mapping and motion-tracking pose an unseen threat to the way law captures life. Unpacking ideas of embodiment and gesture, code, and legal performativity, through the modality of XR technologies, this paper will examine how this form may shape the legal production and governance of users within these digital spaces.

Past the Promethean Perspective: Protocols, Permission, Power

Jan Mihal (co-author C. F. Black)

The fire is lit and we burn. This blaze – of information running white hot, of crowd-driven micro-waves of socio-political revolution, of transparent smokes and gases released from the(ir) pit(s) accelerating time and space – can be sourced back to the original fire, cloud-sourced and dropped by the legendary Prometheus. When curiosity (Epimetheus’s Box) is coupled with capacity (Prometheus’s Gift), we find “emerging” technology already emerged, in a hyperbolic vortex which inverts hierarchies of gods and goods. What if this malaise partly arises from the traditional (mis)understanding of Prometheus’s unlawful act and punishment? Where is fire’s perspective and autonomy in the tale? Engaging in a dialogue with (a properly prompted) ChatGPT, we explore how intelligent technologies might conceive and imagine their own horizons, and the mythic resonances that these articulations suggest. By seeking the voice(s) of the “tool”, a new avenue for exploring coming changes and challenges is developed. Indeed, a suggestion arises: the overlooking of fire’s autonomy and agency (from the “Promethean perspective”) may be the true unlawfulness behind Prometheus’s act, for which we are all punished in Prometheus’s wake. The taking of this paradigmatic and primeval “machina” is rendered unlawful not through its breach of divine property rights or the piercing of the veil between sacred and profane, but rather for the erasure and denial of the personality, agency, and autonomy of the fire itself (which might also be seen as a breach of xenia). This leads to the question of “what law has been broken and by whom?” and whether rules and principle which account for this mythical punishment can be found.

Diabolus in Detail: The Semiotics of Hate in Social Media Communications

Rene Cornish

The digital facilitates a lexicon and iconography of hate. Cyberhate circulates not only through the textuality of hateful words but is also framed through various meta-communication referents of hate such as pictograms and non-traditional orthography. This contribution examines primary legal materials (arbitration awards) as digital ‘witness’ to cyberhate, thereby using the decisions as ‘social records’ of hate rather than a formal statement of institutional legality.

<p>Generals Z Block Level 3 Room 9 (Z309) Chair: Jonathan Barrett</p>

The Jurisgenerative Role of Law and Society and its Influence on Shaping the Consequences of COVID-19 Pandemic: A Comparative Study

Amardeep Singh Sandhu (co-author Neelu Mehra)

Law holds significant sway over contemporary society, shaping narratives surrounding human life and rights. A single piece of legislation or court judgment possesses the power to reshape societal perspectives on specific issues through its ability to generate legal meaning, thus ordaining it with a jurisgenerative role. Conversely,

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societal perception also contributes to the formation of legal meaning. This paper explores how a nation's legal ecosystem impelled the consequences of the COVID-19 pandemic, while acknowledging the vital role of healthcare systems. By focusing on healthcare as an example, it argues that the interplay between law and society can drive transformative changes within these systems. Through a comparative analysis of legal ecosystems in India, the United States, and Japan, this research aims to uncover the collective impact of legislation, judiciary, and society on a nation's pandemic outcomes. It broadens our understanding of the interplay of law and society, surpassing traditional legal theory. Additionally, the paper suggests that socio-economic rights, such as the 'right to health,' are crucial not only for establishing a principled welfare state but also for triggering a paradigm shift in society, empowering individuals to assert their rights confidently.

Documenting Anti-Corruption Investigations

Tina Yao

This paper explores the legal techniques of documentation and extraction in anti-corruption investigations. It forms part of my PhD thesis' inquiry into how anti-corruption commissions in NSW and Mainland China conduct themselves in relation to their respective institutions, procedures, officials and discourses. In this paper, I closely study documents produced and gathered in Operation Keppel by NSW's Independent Commission Against Corruption ('ICAC'), and anti-corruption pro forma used by China's Supervision Commission ('SC'). Through this thick description, I trace the ICAC and SC's engagement with the legal techniques of documentation and extraction. The material object of documents, produced by officials in an institutional and institutionalised manner, takes on its own career in anti-corruption investigations. With their authoritative and constitutive force, documents move across different institutions, officials and procedures within the anti-corruption apparatus. The technique of extraction, both textual and visual, facilitates this movement of documents, thereby generating, altering and disposing of legal relations. Documents go through their final transformation into objects with evidential value. The ICAC transforms documents into proof through reading, whereas the SC does so through story-telling.

The Role of Technology in Insolvency: The good, the bad and the unknown

Cath Brown (co-author Jenny Dickfos)

Technology provides an opportunity to generate efficiencies, increase cost effectiveness and optimise the performance of practitioners in the insolvency profession. Applying emerging technologies to automate processes and enhance innovation within this field represents an evolution in the operation of insolvency practices and the delivery of insolvency services. Despite this, research on the various types of technology currently in use in insolvency practices and their subsequent impact on efficiency, cost structures and the future of the insolvency profession has been relatively sparse. To address this lacuna in the literature, the authors carried out a survey in 2017-18 aimed at investigating the risks and opportunities of technology-driven automation and innovation within insolvency. Results indicated that insolvency professionals perceived that impact of digital practices as being some time away, and only 55% of those surveyed considered that technology (broadly defined as including artificial intelligence (AI), data reporting and big data analysis) would impact their practice. Two years later, the Covid-19 pandemic prompted a rapid increase in the everyday use of technology-based work practices. This, along with the recent advances in generative AI, means that it is timely to revisit the impact that technology has on the future of the insolvency profession. The authors argue that emerging technologies and generative AI will have a similar disruptive impact on the insolvency profession as experienced by the legal and accounting professions more generally. In that context, the authors contend that the strategic use and development of technology and AI is essential to an efficient and effective insolvency process, particularly in terms of predicting insolvency, lowering /saving costs, transforming insolvency work, and saving time.

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Listening to the Acousmatic Trial

Monica Lopez Lerma

This talk turns to *El jurado* (Virginia García del Pino, 2012) to examine the role that sound plays in the courtroom. The documentary focuses on the trial of a man accused of killing his partner. The entire trial takes place off-screen. Viewers can only hear the voices of the prosecutor and the defendant's lawyer making their cases, of the judge asking questions or giving instructions, and of the experts, witnesses, and the accused testifying. The camera focuses on the faces of the members of the jury, forcing viewers to interpret the trial through their expressions, gestures, and affective reactions. The aim of this talk is to explore the tension between the visible and the audible: on the one hand, the documentary uses pixelated images of the jury to expose the power of the camera, inviting viewers to observe and judge them as if recorded by a surveillance camera; on the other hand, it uses "acousmatic sound" (sound that one hears without seeing its source) to expose the ubiquity of the law – even if we don't see it, it is always in the "background" exercising its power. I show how listening to the trial (to its arguments, but also to the intonation, silences, and pauses of its voices) challenges the camera's judgment of the jury and of the trial itself.

Roundtable: Conditional Critical

Timothy D Peters, Francesco Contini, Richard Mohr, Jocelyne Scutt

Roundtable - Z Block Level 4 Room 13 (Z413)

The symposium 'Condition Critical', published in (2023) 5(1) *Law Technology and Humans*, arose from the climatic and pandemic crises of recent years. What is the role of the law in times of crisis? How does this force for continuity, predictability and order react to the discontinuity characteristic of disasters? The suspension of the law or its day-to-day operations is a moment of extreme danger, rivalling that of the disaster itself, in the licence it gives to powerful actors, government and otherwise, to exercise unfettered force and put human rights at risk. Yet it also presents institutions, communities and disruptors with opportunities for reinvention and renewal.

In this symposium researchers from law, political science, clinical psychology, history and sociology investigated critical conditions, from pandemic responses and extreme weather to terrorist attacks and parental disputes. The locations of the authors and the sites of their research include Australia, France, Italy, the Netherlands, Portugal and the United Kingdom. The papers explored the heuristic and political potential of system breakdowns from empirical, theoretical and policy perspectives. These perspectives are, above all, critical because they study crises, because our condition is critical and because a return to an unexamined—uncriticised—normality is not an option.

In this panel session, three of the authors will give the background to the symposium and discuss key findings and developments. Timothy Peters will lead the Q&A and general discussion. Jocelyne Scutt will consider the legal and political operations of polities in times of crisis; Richard Mohr will explore the social conditions during crises; Francesco Contini will address institutions and technologies in crisis, with particular attention to courts. The panel will ask what can be done to avert or overcome institutional, social, legal or political crises. What do we know of political, social and legal responses to crises? What is the outlook for the future? Is our condition critical?

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DAY 3

THURSDAY 9:00-10:30

Panel Session 6

Decolonial futures Foundational Fictions and Colonial Fantasies
Z Block Level 6 Room 6 (Z606)
Chair: Shane Chalmers

Indigenous Cinematics: The Legal Lives of Indigenous Filmmaking in Abiyala/Latin America

Charlotte Gleghorn

In Indigenous film cultures across Abiyala/Latin America, the connection with Law is (at least) threefold: cinema portrays legal doxa, notably concerning territoriality and colonial claims to land and water; films – including the vast ethnographic archive and new, original works – are used to support particular legal cases; and productions index plural epistemological claims that are not easily subsumed in or accommodated by western notions of jurisprudence or intellectual and cultural property law. First Nations’ legal systems are mobilised through language, song, dance, storytelling, weaving, painting, and ritual, among other cultural expressions, all of which are conjugated through cinema, inflecting the politics of attribution, authorship and authority across the region. Origin stories and cosmological principals become paradigmatic for cinematic (re)creation, suffusing films with a purpose which pushes, to borrow the words of Lúcia Nagib and Anne Jerslev, “intermediality to its ultimate boundary, which is the division between art and life” (2014, p. xxiv). This paper will examine one permutation of the complex ways in which diverse Indigenous systems of law might be (re)shaped or interpreted audiovisually. My analysis will centre on the first fiction feature produced in Wayuunaiki, the language of the binational Wayúu people, whose homelands traverse the Colombo-Venezuelan border. *La raíz de la resistencia* (The Roots of Resistance) (Jorge Montiel/Maikiraalasalii Collective, 2012) deploys a Wayúu song, a jayeechi, alongside other vessels of law, to craft a complex narrative architecture designed to collapse, precisely, the boundary drawn between law and culture as distinguishable media. In this way, the film is a compelling example of how cinematic story contains Wayúu principles and processes of doing law.

Progressive Copyright Theory

Emily Behzadi Cárdenas

The colonial legacy of colonialism, dispossession, and racial injustice underlies existing inequalities in modern copyright law. Traditionally, the main purpose of copyright laws has been to incentivize “progress” through the dissemination of new works, thereby conferring economic benefits to both the creator and society-at-large. Such economic-based notions of “progress” have historically favored the creative contributions of privileged groups while simultaneously disregarding those of historically oppressed groups. Scholarship on progressive law theory has exposed the need to reevaluate the social obligations and interactions inherent in private property ownership. In our technology-driven world, where technology is pervasive and information is easily disseminated, copyright law is more significant than ever. However, these technological advancements have not only revolutionized the way that content is created but has also exacerbated these pre-existing inequities. Progressive law theory acknowledges that legal regimes can perpetuate existing inequities, and thus, calls for a need to facilitate social transformation. This Article will examine how the application of progressive property theory may help address the

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doctrinal inequalities inherent in copyright law. This paper will specifically examine doctrines pertaining to copyrightability, such as authorship and originality, that have traditionally excluded protection of works created by historically marginalized groups. This article also contends that the convergence of progressive property theory and technology has the capability to reform copyright doctrine. This article proposes that copyright reformation can be informed by the principles of progressive property theory. By examining “progress” through the lens of progressive property theory, this paper advocates for social justice-oriented copyright law reforms

Fantasy, Violence and International Law on the Borderlands

Amanda Alexander

In 1859, Nelson Lee published *Three Years Among the Comanche*, an account of his time as a volunteer in the Texas Rangers, fighting in the Mexican-American War and, finally, his captivity among the Comanche. Lee’s account has been lauded as an authentic history, used as a source for ethnographic studies and regarded as representative of Indian captivity narratives. It has also, however, been called a fraud, filled with ‘howlers’ about Comanche practices and clear elements of fantasy. The apparent authenticity of *Three Years Among the Comanche*, despite its fantastical elements, might be partly due to its setting in the American southwest ‘borderlands’, a region contested by colonising empires, deeply layered in narratives and myths of violence and war. It is also a region that has often been understood in terms of foundational Western fantasies that juxtapose a natural state of freedom and violence against a civilised, colonising, State, governed by rational law. These fantasies of violence and freedom can be seen in accounts of the Comanche, while the belief in the possibilities of a rational law can be seen in Felix Cohen’s systematisation of treaties and legislation into a Federal Indian Law, which he associated with a coherent and principled international law. These myths about freedom, law and the state continue to inform, and constrain, political and legal thought, especially in international law. Recent borderlands scholarship, however, has presented a significant challenge to many of these myths, in particular the location of power and law in the State and freedom without. A close reading of Lee’s account supports some of the contentions of this literature. It may be that *Three Years Among the Comanche* read as an authentic account not just because it deployed the fantasies of a narrative genre, but also because it represented something of the complexity of violence and law that escapes political and legal fantasies. As such, Lee’s story, together with borderlands scholarship, provides an opportunity for rethinking law, violence, and truth in a colonial encounter.

Decolonising character: reading Michelle de Kretser’s ‘The Life to Come’ as a critique of ‘good character’

Amy Hamilton

This paper argues that the concept of character is deeply implicated in law and colonialism. Julian Murphet points out that character has a double valence whereby it is a property of narrative and discursive textuality, even as it is also a moral and ethical category referring to individual and collective norms of behaviour and motive.” In particular, using a law and the humanities approach, I critically examine both the concept and the role of character – both literary and moral - in shaping Australian national identity. I argue that Michelle de Kretser’s 2017 novel, *The Life to Come* critiques the articulation of good character in Australian citizenship law. In making this argument, I draw on Helen Irving’s analysis of Administrative Appeals Tribunal cases that articulate good character for the purposes of the Australian Citizenship Act and Irving’s argument that these articulations can be read as broader articulations of national character. I argue that the conception of good character in Australian citizenship law functions as a further colonial technology that represent citizenship as a tool of colonial control. This is the idea of character that de Kretser critiques, and with it the vision of history and the identity that it is enmeshed in. As John Frow argues that “learning how to read character is directly bound up with the practice of the self, of recognition of other selves, and of forming an emotional bond with fictional “selves”. By thinking

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critically and decolonially about the ways in which literary character and moral character create technologies of the self, we can work to work toward decolonialising the concept of good character.

<p>Jurisprudence of the Future: The Sovereign Strikes Back Z Block Level 6 Room 7 (Z607) Zoom Meeting ID: 829 3484 0669 https://qut.zoom.us/j/82934840669?pwd=cmJHUmZVRndvRDBRVIN1a1hoWW43dz09 Password: 583194 Chair: Chris Dent</p>

Scythes v Thunderhead: The Battleground for Sovereignty in Neal Shusterman's Scythe

Cassandra Sharp

Neal Shusterman's Arc of the Scythe trilogy depicts a world where natural death has been eliminated, and Scythes are given exclusive authority and power to undertake the sacred sacrament of deciding who lives and who dies. In exercising this form of sovereign power, as they seek to fulfil their quota of sanctioned killings, each Scythe perfects an individualised artform of 'death' with no accountability. Operating concurrently, yet entirely distinctly, is the Thunderhead, an artificially intelligent super-computer that oversees the governance of 'life' – ruling everyday public affairs and solving humanity's problems. The sovereignty of the Thunderhead is designed to ensure that law and governance is essentially devoid of human error, vagaries, and exploitation. Over the course of the trilogy however, the Scythedom is exposed for corruption, capriciousness, and injustice, while the power of the Thunderhead becomes a significant threat to the fate of humanity (one might even say Deus Ex Machina). In both instances, the exercise of sovereignty is flawed, manipulated, and disrupted, thus begging the question: can law ever really redeem and restore? This paper seeks to explore this question in the context of Shusterman's bio-punk utopian-turned-dystopian trilogy.

Sovereignty and its Subversion in the Science Fiction of Ann Leckie

Daniel Hourigan

Ann Leckie's acclaimed science fiction novels *Ancillary Justice* (2013), *Ancillary Sword* (2014), and *Ancillary Mercy* (2015), present a challenge to the traditional division between the body of a sovereign and the sovereign body enshrined in the jurisprudence of modern law. Primarily, this critique examines the construction of the emperor Anaander Mianaai and her clones' shared consciousness through decentred, galactic networks. The critique also examines how the novels entertain a second, inferior representation of a sovereign body that reflects the critique of the law as co-opting people, places, and things through legal terminology, concepts, and the state of right, that props up the imperial sovereignty of the novels. This paper will explore the ways in which Leckie's novels speculate on the eclipse of our current models of legal power by way of its representation of posthuman sovereignty.

The Three-Body Problem: Star-Pluckers, Justice Singer, and the Normative Continuum.

Moirra McMillan

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This paper is about the interaction between humans (Star-Pluckers) and an advanced alien civilization (Singer's) in Cixin Liu's *Death's End* (2016), second sequel to *The Three-Body Problem* (2014) and final book in the trilogy *Remembrance of the Earth's Past*. This interaction is asynchronous and based on scarce mutual knowledge. To Star-Pluckers, Singer is but an unspecified probability risk in the unknown universe to and from which they send and receive messages in their ignorance of the dark forest theory and non-compliantly with the cosmic hostility principle. Eventually, Singer learns through these messages the Star-Plucker's location and existence as low entropy beings. Same as Singer's civilization, Star-Pluckers convert low entropy energy to a higher entropy. Despite Singer's appreciation of low entropy life forms, Singer is the 'judge of coordinates'; in such a capacity they take action against the Star-Pluckers in a decision based on the corollaries to the cosmic hostility principle: 'Hide yourself well; cleanse well.' These corollaries are normative unless they are instinctive or genetic to any given civilization. From a legal-theoretical perspective, Singer is the executor of principles and rules that can be visualized as a normative layer applicable to their particular place and time. This layer, if juxtaposed with all layers of every rule applicable to every place and time in the whole history of the cosmos makes the normative continuum. This artefact is useful to visualize the separation or integration of layers; for example, the continuum hovering over any civilization whose technology is advanced enough to make their habitat into a black hole will include the balance of survival as a normative purpose (for black holes are free from dark forest attacks) and development, because that civilization will not be able to interact beyond their habitat. Additionally, the artefact is useful for the visualization of fringing areas such as the jointure of rules, instinct, and genetics hosting something similar to what earlier humans, in another space and time of the continuum, would call *synderesis*, natural law, or more generally any rule not made by humans but somehow encoded or 'implicate' within nature.

Zeroth's Zest: A Deep Dive into Asimov's Overlooked Ethical Epicenter

Yeliz Figen Doker

In the vast tapestry of science fiction that envisions the relationship between humanity and machines, Isaac Asimov's "Three Laws of Robotics," introduced in his 1942 short story "Runaround," stands distinctively. Yet, it's the lesser-celebrated Zeroth Law, which asserts, "A robot may not harm humanity, or, by inaction, allow humanity to come to harm," that holds profound implications for our age. Asimov's subsequent works, notably "Robots and Empire," deepened this exploration, refining the Zeroth Law to: "A robot may not harm sentience or, through inaction, allow sentience to come to harm." This evolution speaks to the fluidity inherent in Asimov's robotic laws. How does this pivot—from a human-centric edict to one encompassing all sentient beings—reshape our discourse on machine ethics? What ripple effects might it cast on the other three laws? Interestingly, Asimov attributes the genesis of the Zeroth Law to a robot, casting it not merely as a rule-follower, but as a rule-creator. This narrative arc, epitomized by R. Daneel Olivaw's journey, underscores the potential for AI to not only operate within set ethical parameters but to dynamically reshape them based on experiences. If AI systems start recognizing and prioritizing the well-being of all sentient entities, how might they navigate potential conflicts in their directives? Asimov's fictional portrayal serves as a poignant metaphor for contemporary challenges in the ethics of AI. As we stand on the precipice of an era where AI might autonomously mold its ethical boundaries, we must grapple with a pressing question: How do we, as creators, guide this emerging ethical landscape, striving for a harmonious coexistence between man-made principles and machine-evolved ethics? This paper will meticulously dissect the metamorphosis of Asimov's robotic laws, focusing particularly on the Zeroth Law's expansion to sentient beings. Drawing upon a wealth of literature from both science fiction and academic discourses on AI ethics, we will trace the philosophical ramifications of such an evolution, delving into its implications on the foundational Three Laws. The paper will further probe the transformative capacity of AI, examining the line between pre-defined programming and self-evolving ethical structures. Using Daneel's evolution as a prism, we'll contextualize fictional narratives within the realm of contemporary AI developments, posing pressing questions about the direction, potential, and constraints of machine ethics. By synthesizing these analyses, our goal is to offer a well-rounded perspective on the ethics of artificial intelligence, championing both caution and innovation as we move forward into this uncharted terrain.

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AFLJ Celebration: Feminism and the digital
Z Block Level 3 Room 8 (Z308)
Chair: Claerwen O'Hara

Gender in a Stereo-(gender)Typical EU Law: A Feminist-Queer Reading of the EU AI Law

Anastasia Karagianni

Gender equality is enshrined and protected in both International and European Treaties on Human Rights. Gender emerges also in many political debates on Artificial Intelligence (AI) ethics, during the voting process of the European AI Act Proposal, and more broadly in the scientific discourse on AI- namely in the language that we use to frame a way of talking on AI. However, the way this term is interpreted varies, from women's rights to non-discrimination based on gender and sexual orientation, or LGBTQIA+ rights. The scope of this research is limited exclusively in European Law under which the legal notions of gender will be identified as well as the way they are replicated in AI Law. The methodology that will be used is a critical approach to the doctrinal analysis of the relevant European legislation which is based on the implementation of gender theories, mainly the feminist and queer legal theories, for the gender inclusivity aspects of the EU AI Act to be examined – and synthesised.

Bodies of Inconvenience

Maree Pardy

When laws were hastily introduced in Australia to ban and criminalise Female Genital Cutting practices the nation was gripped by a political atmosphere of fear and hostility emerging from, among other things, “the inconvenience of other people” Berlant (2022). The inconvenience here refers to the emotional and affective intensities, and aversions to involuntarily living alongside people whose bodies, values and beliefs are not only different but whose differences profoundly challenge fantasies of autonomy and sovereignty of citizens and the nation. This paper deploys theories of atmosphere to conjure something of the fervour that gripped Australia during the 1990s, arguing that atmosphere as a force generated the impulse, and the desire, to legislate and has subsequently transformed these laws into an atmospheric force of their own. The Law has provided the nebulousness of atmosphere with a material form, giving the (often hostile) emotion poured into the public realm, an enduring respectability. At what cost? To whom?

Digital Disruption and Legal Futures
Z Block Level 3 Room 9 (Z309)
Chair: Heloisa de Carvalho Feitosa Valadares

How should fair dealing copyright systems handle generative AI?

Timothy Nugent

Generative artificial intelligence is being tasked with the creation of increasingly sophisticated texts, images, and films. The release of technologies such as Google Bard, Chat GPT, and Stable Diffusion have drastically lowered the time and knowledge required to leverage AI to generate works. The output of the latest iteration of deep

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learning algorithms bears significant resemblance to the works of human creators and can present meaningful competitor in the markets for code, text and images. As machine generated works become ‘mainstream’, it is desirable to examine their position in the Australian copyright system. This article considers whether it is consistent with the doctrine and purposes of copyright law to extend copyright to machine-authored works which lack human creativity. It reviews the main arguments for and against protecting for machine-authored works. The author finds that work which is authentically the result of human creativity presents a social good above and beyond the economic value of the work which is properly protected to a higher standard than machine authored works. Following this reasoning, the protection of machine authored works should not be strengthened, (and should perhaps even be reduced). The article concludes with a proposed schema for the handling of machine authorship in fair dealing copyright systems.

Shaping Legal Futures: Generative Artificial Intelligence, Accountability, and the European Union Artificial Intelligence Act

Ceyda Ilgen

Artificial Intelligence (AI) and associated technologies bring various opportunities to businesses, offering more efficient services while maintaining quality across different sectors. AI’s impact is particularly profound in the legal industry, where legal scholars worldwide examine the implementation of AI technologies. In recent years, AI technologies have been increasingly deployed by law firms, aiming to enhance their services, reduce costs, and improve accessibility. Generative AI tools, such as ChatGPT, assist legal professionals in tasks such as contract drafting, document review, legal research, and legal judgments. However, there are significant challenges caused by the adoption of AI in the legal sector, notably regarding accountability and transparency. Some legal scholars argue that the rapid advancement of AI poses potential risks to the future of the legal profession. This paper addresses these risks in the context of the evolving ‘digital disruption,’ transforming social, political, and economic interactions and extending its implication into the legal domain. Consequently, there is a growing need to adopt regulatory frameworks governing AI use in the legal sector to effectively harness its promises while mitigating drawbacks. In April 2021, the European Union (EU) proposed the AI Act, a global regulatory initiative introducing a risk-based framework for assessing specific AI applications. The Act’s objectives include promoting trustworthiness and accountability in AI deployment while also establishing a unified AI market. Considerably, the EU AI Act requires that generative AI systems, such as ChatGPT, adhere to transparency requirements. Its approach encompasses the legal sector, providing a means to address accountability and transparency concerns in AI deployment. Therefore, the EU AI Act offers benefits in evaluating the impact of AI technologies on the risk landscape of legal firms and in addressing these risks through the implementation of accountability mechanisms. This paper primarily examines the risks arising from the widespread deployment of generative AI systems, such as ChatGPT, considering their impact on the legal future. The aim of this paper is to explore how the EU AI Act can mitigate digital disruptions resulting from these technologies while emphasizing accountability and transparency in AI deployment for the future of the legal profession.

The new governmentality of judicial administration: law, vis-à-vis managerial and digital disruptions

Francesco Contini

Courts have been, for a long time, institutions dominated by the law. Since the nineties, this monopoly has been challenged by digitalisation and managerialisation in all European judiciaries. Digitalisation has challenged the institutional framework regulating behaviour through pre-established workflows, forcing data collection, automating tasks, nudging some actions and discouraging others. Digitalisation is more than just instrumental. It actively promotes the values of efficiency, certainty and freedom from repetitive tasks. It shows an unprecedented capacity to control human behaviours and a peculiar government mentality often enframed as

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algorithmic governmentality (Rouvroy 2018). At the same time, managerialisation acts by establishing goals, ranking people and courts and promoting efficiency, effectiveness, and number-based accountability. It provides its own governmentality (McKinlay and Pezet 2017) based on implicit assumptions: the superiority of quantitative over qualitative methods and the need to establish goals and ranks based on (measurable) results reached. Managerial and algorithmic governmentality have their own normativity, shape behaviour and provide a ready-at-hand set of beliefs that can effectively guide human endeavours. The monopoly of the law in the administration of justice is over. Human actors now interact with a mix of formal regulations, managerial requirements, and digital working environments that governs court and proceedings. The new governmentality and the underlining mindsets can clash with the pre-existing institutional setting. Entanglements between the legal framework and growing managerial and algorithmic governmentalities can be hard to identify, and a comprehensive approach is needed to explore how the assemblage of law, digital technology, and management influence human behaviour in judicial proceedings. In this respect, some experiences of European judiciaries will be analysed through the concept of governmentality (Bröckling, Krasmann et al. 2011) to explore the intricacies of the current administration of justice, the explicit and elusive forms of control provided by law, technology and management, and mentalities on human behaviour and, ultimately, to check the fair trial principle. Bröckling et al. Eds. (2011). *Governmentality: current issues and future challenges*. Routledge. McKinlay, A. and E. Pezet (2017). *Foucault and Managerial Governmentality*. Routledge. Rouvroy, A. (2018). "Governing Without Norms: Algorithmic Governmentality." *Psychoanalytical Notebooks* (32 Lacanian Politics and the Impasses of Democracy Today).

Cryptophobia: Dystopian And Utopian Realities Of Cryptocurrency Bans And Regulatory Reactions To Blockchain, A Case Study Of Nepal.

Samagya Pradhan (co-author Lachlan Robb and Bikalpa Rajbhandar)

This paper explores the socio-legal implications of blockchain technology's fearful regulatory response. Blockchain and cryptocurrency evoke the cultural imaginary of global societies and elicit both a wondrous utopian response, and a fearful dystopian reaction—both have implications for how regulators create rules and structures to limit the development and use of this emerging and disruptive technology. This paper looks to Nepal as an often-overlooked case study for cryptocurrency bans—insofar that the regulatory response has been to halt and criminalise the possession and handling of cryptocurrency by Nepalese both domestically and abroad. This is more than merely fear, and an exploration of this allows for a deeper understanding and rethinking of the promises made by the technology as a tool-for-good through mechanisms such as remittances. This also allows for more global lessons to be learned from the reactive banning of a technology that can have wider implications when the prohibition on cryptocurrency severely limits the innovation of blockchain—it is a clear lesson about imprecise legislative reactions rather than considered engagement with the true nature of the technology and the community possibilities.

Conversation: On memory, law and technologies of remembering: A conversation with André Dao, author of 'Anam' (Penguin)

André Dao, Maria Elander, Valeria Vázquez Guevara
Conversation - Z Block Level 4 Room 13 (Z413)

Join us for a conversation with award-winning author and scholar, André Dao. *Anam* is a novel that traces a family history across time, place, life stages, documents, landscapes and the lives of family members. Inspired by a desire to understand his grandfather's life in an infamous Vietnamese prison in the 1930s and then in exile in France, André Dao's novel is an invitation to explore the complexity of remembering, of forgetting, and to ask questions about how the transmission of one's own lived experiences might craft a shared family history. In this conversation, André Dao will be joined by Maria Elander and Valeria Vázquez Guevara to talk about *Anam*, the human stories that make the novel, and the story of law running through it.

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THURSDAY 2:00-3:30

Panel Session 7

<p>Disruptive Legalities in More-than-Human Societies II Z Block Level 6 Room 6 (Z606) Zoom Meeting ID: 837 0162 8963 https://qut.zoom.us/j/83701628963?pwd=Qk1iU0dRM1VkWTMxc0dMY1FNaFIGUT09 Password: 626092 Chair: Alessandro Pelizzon</p>
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Nature's Peoples, Nature's Law: Constituting the League of Nations and the International Rights of Nature Tribunal.

Tim Lindgren

On June 28 in 1919, Germany and the Allied powers signed the Treaty of Versailles. This treaty constituted the League of Nations, commencing a new era of international legal institutions concerned with the 'development' and 'wellbeing' of 'peoples' through international law. Shy of hundred years after the signing of the League Covenant, another international legal institution was being assembled in close proximity to Versailles. On December 4 in 2015, the International Rights of Nature Tribunal gathered in Paris to hold hearings on issues of environmental justice, and to constitute itself through a Peoples' Convention. This institution, too, was concerned with the 'wellbeing' of 'peoples' through international law. Albeit, it had a slightly different understanding of international law. It was a peoples' tribunal, establishing itself as an international legal institution outside the international legal order. This paper reads these institutional moments together. It explores how each institution crafted competing ideas of the international legal order, and who could belong on what terms. In doing so, however, it is not simply concerned with how the institutions imagined the international legal order in terms of human legal activities. It is rather concerned with how each institution's idea of the international legal order was formed in response to nonhuman and more-than-human agency and normativities. The paper dwell on the conceptions of 'people', 'colonialism', 'jurisdiction' and 'Statehood' that arose in each constitutive moment, and captures how each of these conceptual tropes were shaped by non-human and more-than-human actors and forces. It argues that 'nature' itself offered a backdrop through which these institutions, in a remarkably similar way, crafted themselves and their law as representative of a given 'natural' order. As a gesture of reflexivity rather than argumentation, the paper aims to invite a conversation about what it means to speak law in the name of an international community – be it as States or 'people', or 'nature' itself.

A Collaborative Artwork called 'All Laws'

Olivia Barr

Words sometimes fail. No matter how beautifully we craft them, sometimes words can't reach where we need them, can't break out of their confines, can't disrupt how we want. This is especially so when the words we use are stained by a dominant normative culture, and a dominant law. Tired of being held hostage by the casual arrogance of the phrase 'the law', and its relentless erasure of other laws, including understandings of law that stretch beyond humans into the cosmos, held deep in Country, skipping through time, I have been finding my way around words, with less words, even without words. My observation is simple, long known, and absolutely lacking in uniqueness. There are lots of laws in Australia. Aboriginal and Torres Islander people know this, so do many others, but the Australian legal system continues to resist this obvious truth, despite treaties, voices and

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truth hovering on the horizon. As a lawyer-turned-academic, with the State as my target, how to disrupt this false certainty? How to challenge this legacy of not-seeing? How best to share this idea? I've written about this idea, including in non-traditional ways (essay, poetry, photographs), but I have temporarily abandoned words, or at least moved words to the background. Playing with different methods and mediums, I have been experimenting with sharing this simple idea through artworks. First with an installation artwork and experimental workshop called 'Legal Footprints', and more recently, with a major collaborative artwork I am coordinating called 'All Laws'. This large two-layer artwork is a collaboration with 15 First Nation art centres, and when completed, will hang in the foyer of Melbourne Law School: a visual reminder of all laws. My hope is this major new permanent work will slowly seep its way into the lives of students, staff, and visitors, colouring the architecture of the building, nudging legal education, challenging the singularity of 'the law'. However, I am not an artist. I am a lawyer and a writer frustrated with words. In this presentation, I explore the critical methods, modes, risks and possibilities percolating in this mad-cap task of transforming interdisciplinary research into a collaborative artwork.

Lawful Ecologies: Grounding Law in a Planetary Age

Kathleen Birrell

Grounding law in emergent materialities might be understood as the task of the critical jurist in a planetary age. Law in the Western tradition is conventionally concerned with how matter comes to assume legal meaning. While law is materialised through inscription and speech, its foundational elements are grounded in abstraction, attributing legal meaning to space, time and matter as questions of fact. An orientation toward the inhuman reveals the contingency of law's ontological commitments, illuminating the processes of inclusion and exclusion by which presumptive boundaries and binaries emerge. Thinking beyond the extension of an abstracted legal subjectivity and attendant rights to nonhuman others, I find myself enfolded in fleshy relationships of obligation and dependence. In this paper, I explore the co-constitution of human and inhuman legalities. Orientating legal theorisation toward an acknowledgement of emergent subjectivities, normativities and laws, I begin to develop a relational idea of ecologies of obligation, or lawful ecologies, that inhere within key sites of restoration and 're-stor(y)ing'. These sites provide a basis for the revelation of extant emplaced and embodied dependencies, as material and discursive flows, from the planetary to the microbial.

Cultural Legalities of Corporate Technologies Representations of Authority and Power:
Exploring the Corporate Imaginary
Z Block Level 6 Room 7 (Z607)
Chair: Jordan Belor

Reinventing Barbie. Aspirations for a Feminist Intellectual Property

Kathy Bowrey

This paper claims two lines from the recent hugely successful Warner Brothers Barbie movie (2023) as provocations to reflect upon a feminist approach to intellectual property (IP). The two lines are these: Mattel CEO (Will Ferrell) says, 'Don't blame me. Blame Mattel. They make the rules.' Barbie's founder, Ruth Handler (Rhea Perlman) says, 'Because Barbie can be anything women can be anything.' The first statement opens up a conversation about Mattel Corporation's conception of itself, intellectual property and the origins of Barbie. Any study that involves law has to engage with legal constructions of power and authority, which is, in a way, a claim to embody a kind of truth. Part one explores the representation of Mattel as an archetypal villain and the cultural truths Mattel projects about its own power. Along the way I deconstruct Barbie's origin story to reveal a conventional ideation of intellectual property as a creator's right rewarding innovation that diverts attention away from the production realities associated with material culture and the corporate strategies of recruitment

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that connect a self-affirming future for Barbie owners with the world Mattel imagines for us. The second statement prompts a consideration of what is minimum commitment of a feminist approach to IP? Inspired by Teresa Ebert's *Ludic Feminism and After* (University of Michigan Press, 1996), Part two starts with the proposition that women cannot be anything simply by imagining it and asserting their difference. Meaningful social transformation requires more than positing alternative gender and intersectional readings of intellectual property law, more than claiming a space of diversity. Intellectual property is a system for cultural and industrial reproduction. It is designed to commodify the new and to incorporate the different. The hunger is so rapacious that self-mocking cynicism about corporate entitlement to make the rules plays for laughs. The aspiration of a feminist IP should be more ambitious. It needs to work toward a different way of imagining the significance of creation and innovation in the world.

The Corporation as Technology of Representation: Image, Office, Fiction

Timothy D Peters

Corporations function through images and signs. As legal-semiotic abstractions they are able to project their operations spatially across the globe, moving between the 'inside' and 'outside' of state jurisdiction, and encompassing a virtuality that designates 'where' and 'when' value is created, profit disclosed and taxes paid. Premised on a mundane and everyday legal act—the 'creation' of a corporate legal person through registration under domestic legislation—the functioning of global corporate authority is reliant on an always already prior recognition of their legal personhood and the effectiveness of their legal actions. The 'real' phenomenology of these legal 'subjects' comes, therefore, through the recognition of their effectiveness as a sign—a representation that stands in for that which is absent. This paper takes up the representative nature of the corporation in two ways. First, it examines the use of corporate images—seals, trademarks, logos and branding—as modes of representing and 'making present' an otherwise invisible, intangible and absent corporate 'body' and therefore instantiating corporate authority. Second, it looks to the nature of the exercise of the powers of the corporation by its 'representatives'—directors, officers and agents—who act 'on behalf of' or 'as' the corporation. Here I position the different accounts of the status of corporate representatives in corporate theory in relation to the distinction in political theology between what Carl Schmitt refers to as the 'concrete' juridical personhood encompassed in the 'office' of the priest and Ernst Kantorowicz's emphasis on the productiveness of the 'fictional' juridical personhood of the corporation. The corporation as technology of representation is relevant to both questions about the involvement of corporations in political and social issues and whose interests they should represent and the ability for non-human actors such as algorithmic systems to by corporate representatives that legally act as or on their behalf.

The Corporation: A Frankenstein's Monster?

Duncan Wallace

In progressive corporate law scholarship, it is not uncommon for the image of the investor-owned corporation as a Frankenstein's monster to be presented. The corporation is said to be a creation of the state, in the same way Frankenstein's monster is a creation of Dr Frankenstein, and the corporation is said to be a danger to its creator, as the monster was a danger. The lesson progressive scholars intend to be taken from the analogy is that we must 'keep the Frankenstein monster on a chain and stop it from causing harm'. Like Frankenstein's monster, 'corporations must realize, or must be made to realize, that they owe an affirmative duty to the community which supports them as well as to the state which creates them'. The proposed presentation will argue that the analogy ought to be used differently, in a way more consistent with the way the monster was originally depicted in Mary Shelley's *Frankenstein*. In Shelley's novel, it is not the monster that fails in its duty to its maker, but its maker – Dr Frankenstein – that fails in his duties towards the monster. The proposed presentation will suggest that it is the same with the corporation. Investor-owned corporations are a danger, but only because we, like Dr Frankenstein, have refused to do our duty towards such corporations. Currently, such corporations are, in an important sense, kept in a condition of rightlessness. They are owned and traded as commodities, treated as

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mere means to the financial ends of investors rather than treated as ends in themselves. If we are to avoid Dr Frankenstein's fate, it will be argued, we must address this. We must do our duty towards the corporation.

Jurisprudence of the Future: Futurity
Z Block Level 3 Room 8 (Z308)
Chair: Mitch Travis

Judging the Future and the Future of Judging

Nicole Rogers

The Anthropocene Judgments project forms part of an ever expanding international collection of critical judgment projects, in which the process of judging has been reinvigorated by scholars 'dressing up as judges'. Rather than revisiting the judgments of the past, as has commonly been the practice in other critical judgment projects, the Anthropocene Judgments project anticipated the practice of judging in, and for, the future; or, as we contextualised it, judging in and for the Anthropocene. Participants were tasked with identifying the wicked problems of the Anthropocene, recognising possible legal issues, and resolving these with, in many instances, radically different and new legal principles and ways of viewing law. In order to do these things, we were required to think imaginatively, into the future, and to think creatively, working out how justice can and will be served in future disputes. The collection which ensued consists of 16 judgments and two reflections on law and justice in the Anthropocene and post-Anthropocene periods. It features the work of 26 writers from Australia, the United Kingdom, Europe and Asia and, in one judgment, the contribution of an Artificial Intelligence system. Themes canvassed include multi-species justice, intergenerational justice, post-colonial justice, resistance and legality, and law/non-law after the Anthropocene. In this paper, I will discuss the methodology of the project and provide a sneak preview of the provocative, genre-bending content of the forthcoming publication of Anthropocene and post-Anthropocene judgments.

Veiled Influence: Unpacking the Third Dimension of Power in Technology Platforms

Michael Guihot (co presented Brydon Wang)

This paper critically examines the exercise of power by dominant technology platforms through the prism of Steven Luke's concept of the third dimension of power. It seeks to illuminate the sophisticated ways in which technology platforms—including Meta, Google, Apple, Amazon and Microsoft—shape user behaviour, perceptions, and societal norms. Luke's concept of the third dimension of power is applied to explore how these platforms exert a form of seduction that is often invisible, shaping not only user behaviour but also desires and beliefs. This dimension of power is particularly potent because it operates below the surface, precluding conflict by aligning individual interests with those of the platform, often unbeknownst to the user. The paper begins with a discussion on the mechanisms of this power, starting with the use of advanced AI algorithms and data analytics that create addictive experiences, ensuring continuous user engagement. It will discuss how the commodification of attention has transformed users such that they are not just consumers of content but also the product, with their interactions and other behavioural patterns on the platform traded as currency to maximise profits. The paper then argues that this driver to achieve profits has in turn led to the normalisation of technology's omnipresence in our lives. This normalisation occurs through the exercise of third dimension power through mechanisms that include the strategic use of default settings and dark patterns, and serves to mask the need for critical scrutiny of our relationship with technology. These design choices nudge users towards certain behaviours and make it difficult to exercise autonomy within digital spaces, exemplifying Lukes' third dimension

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of power by manipulating preferences and limiting the scope of user choices. The paper then addresses how platforms shape public discourse, often highlighting the positive aspects of their services while downplaying the negatives, creating an atmosphere of technological optimism that makes the user and wider public more susceptible to uncritical submission to such exercise of power. For example, the seduction through propaganda can prevent critical issues, such as the impact of social media on mental health, from entering public debate. Institutional power and the acceptance of surveillance practices will also be examined to highlight how platforms have set the terms of engagement to the extent that privacy concerns are often overlooked by users who have been led to believe in the benefits of data sharing. Finally, the paper argues for the necessity of a critical understanding of these layers of power among users, policymakers, and society at large. It will conclude with a call to action for more informed and critical engagement with digital platforms, advocating for policies and practices that ensure these tools are reshaping our world for the better, not just for the profit. It aims to contribute to the ongoing discourse on digital sovereignty and user empowerment, providing insights that are crucial for anyone interested in the intersection of technology, society, and power.

Crimes against Post-Humanity in Cixin Liu's Remembrance of Earth's Past

Amanda Alexander

Crimes against humanity is an archetypal offence in the contemporary regime of international humanitarian law. This offence prohibits widespread and systematic attacks on civilians, even by their own government. As such, it represents the priority of humanity, even above sovereignty, in a legal system based on humanist thought and values. Many aspects of this legal system have been critiqued, including its Western provenance and the political implications of humanitarianism. Yet few critics have been able or willing to suggest an alternative approach to international law that would jettison its central, humanist values. In *Remembrance of Earth's Past*, Cixin Liu does just this. Liu's trilogy, *The Three-Body Problem*, *The Dark Forest* and *Death's End*, presents the universe as a 'dark forest', where every alien species poses an existential threat to humanity as a species. As humanity faces this threat, Liu condemns certain possible responses, such as allowing part of the population to escape, as 'crimes against humanity' – while remaining neutral about other acts of horrific violence. Although Liu's interpretation of 'crimes against humanity' seems strange, it is not just a mistake. Rather, like crimes against humanity in the current international regime, it epitomizes a certain approach to law. In this paper, I will suggest that this approach reflects the non-anthropocentric, post-humanist ethics that are beginning to emerge in various forms of ethical and environmental inquiry. Although such narratives are not mainstream, their proponents have suggested that they may usher in a paradigm shift in law and ethics. Liu has referenced such literature and he has spoken of his preference for non-anthropocentric, hard science fiction narratives over 'narcissistic' humanism. As such, his depiction of crimes against humanity in *Remembrance of Earth's Past*, reveals a vision of what a post-human, non-humanitarian law might look like.

Righteous Feminist Violence: The Cinematic Jurisprudence of Revenge

Z Block Level 4 Room 13 (Z413)

Zoom Meeting ID: 872 0319 8328

<https://qut.zoom.us/j/87203198328?pwd=MjhyVnFyck5lQjg4QkNlZ0Jrc2xLUT09> Password:

617139

Chair: Cassandra Sharp

"Hell is a Teenage Girl": Monstrous Agency and Beyond in Jennifer's Body

Honni van Rijswijk

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Jennifer's Body begins with the tenet: "Hell is a Teenage Girl." There are two ways to read this tenet: first, the experience of being a teenage girl is commonly known to be Hell; or second, that the teenage girl is herself Hell, imbued with a monstrous super-agency. Early in the film, we are presented with Jennifer's body as a violated, suffering body and, as my reading of the film and other texts will show, this is a problem for justice. The figure of the suffering teenaged girl automatically animates problematic discourses and ideologies concerning the adjudication of gendered violence. This is arguably not only a problem of the figure of the suffering girl, but of trauma discourses more generally: in different contexts, Roseanne Kennedy and Robert Meister have argued that legal and cultural texts that demand a call for an affective response can actively negate possibilities of justice. When a text invites a response from the reader or viewer predominantly in the realm of feeling, it forgoes the possibility of justice and yet a number of popular texts have relied on this response in depicting sexual violence against girls: *The Lovely Bones*, *13 Reasons Why*, *Room*. These popular texts implicitly call for justice through the assumption that the sign of the wounded or suffering body is didactic in itself. The problem with this reliance on trauma discourse for justice, is that the terms of justice are not articulated. It is assumed that justice in this context speaks for itself. But we know from #MeToo and #Black Lives Matter that this reliance returns us to the same old ideologies of misogyny and racism. Jennifer's Body re-writes the meanings that we can derive from the site of the suffering adolescent girl. When she is enticed into a van by a group of young men—that old chestnut!—she is of course driven to a remote place and killed. But the young men don't follow the rules of horror—that is, they don't sacrifice a girl who is actually a virgin—so their violent act backfires and instead of dying, Jennifer comes back to life, possessed by a demon. As in the film *The Exorcist*, the demonic possession of a girl expresses social anxieties about the power of feminine sexuality in ways that subjugate the feminine, but it also foregrounds the girl's body as a site of extra human power and extra-judicial power. Jennifer's body transforms the narrative figured by the violated girl: from a victim-focused story that can mainly attest to its own trauma and suffering, to something else. This "something else" exceeds the framework of the rape vengeance narrative. This paper will investigate what this "something else" is, try to position Jennifer's Body within the numerous genres from which it draws, and consider why its practices of representation matter to questions of justice.

Promising Young Woman: Ambivalence and Disappointment in Feminist Attachments to Law

Karen Crawley

Feminist legal advocacy about sexual violence is marked by ambivalence towards law's role in redressing this form of injustice. This ambivalence is linked to feminist legal advocacy's affective and indeed melancholic attachment to the forms of law, and is also linked to the function of disappointment as an affective structure within feminism itself. In this paper I read the film *Promising Young Woman* (2020) as both a reflection of, and intervention in #MeToo reworking of the rape-revenge genre, marketed and received as a feminist cultural object. The film clearly takes aim at the 'rape culture' that sustains sexual violence by assembling some of the rape-revenge genre's tropes (inadequacy of legal institutions, morally innocent victim/avenger, weaponised femininity) but inverting others (no direct/graphic depiction of rape, unlikely perpetrators, vicarious trauma, a focus on institutions, bystanders and enablers). The film's most controversial aspect, however, and the most cinematically affecting for the spectator, is not the inventive violence of Cassie's acts of revenge (as was teased by the trailer) but rather a realistic depiction of Cassie's death at the hands of her friend's rapist, a scene of extreme cinematic violence that lasts 2.5 minutes. The film thus withholds the rape-revenge narrative's typical fantastic emotional payoff (in the death or suffering of the rapist) through a collapse into realism. Revenge does not pay – or does it? This ending was apparently too dark for the studio, who insisted on a coda. The appearance of law enforcement in the final scene of the film reverses rape-revenge's typical generic cynicism towards the law by suggesting that revenge can only occur through the agents of the state, and only after the heroine has sacrificed her life. The narrative's imposed carceral resolution vividly illustrates the collapse of the feminist imaginary of accountability for sexual violence into fantasies of law enforcement and a vision of punishment mediated by the carceral state. The film's affective attachment to the structure of expectation and

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disappointment thus mirrors the logic of feminist legal advocacy's 'cruel optimism' in its persistent attachment to the forms of criminal law and its necessary relationship to violence.

Plug it up!': The Jouissance of Revenge in Carrie

William MacNeil

Is there a scene of revenge more thoroughly pleasurable – on page, stage or screen - than the murder and mayhem wreaked by the hitherto hapless Carrietta 'Carrie' White on her classmates and teachers at Chamberlain High's ill-fated prom night? The grisly electrocution of the (vice)principal, Mr Morton; the shocking bisection of the gym teacher, Ms Desjardins; the spectacular combustion of alpha 'mean girl', Chris Hargenson; surely, one would have to have a heart of stone – to quote the late, great Oscar Wilde – not to burst out laughing, all the while cheering on Carrie's vengeful rampage. With such deeply satisfying moments of pay-back as these, is it any wonder that Carrie keeps coming back, returning like the celebrated Freudian repressed, and refusing – in its many literary, dramatic and cinematic iterations – closure precisely because the narrative's protagonist (antagonist? both?) gives its audience such a searing affective charge: what might be called revenge's jouissance. Utilising a perspective that is broadly psychoanalytic, this paper will take up Carrie's thematic of jouissance or 'enjoyment', situating revenge in terms of it, as well as engaging, en passant, Freud-Lacanian concepts, structures and personifications such as the 'not-all', psychosis, the death drive, and the monstrous maternal. All with this end in sight: nothing less than the reinscription of 'Woman' – instantiated in Carrie as victimised outlier and victimising jouisseuse - at the very centre of the Law's psychic subjectivity and social bond.

Digital disruption and legal futures: Lawtech and the Digital Impact on Process and Practice
Z Block Level 3 Room 9 (Z309)
Chair: Beth Streten

Using Legal Translation Methods to Understand Legal Coding

Nicholas Godfrey

Legal coding, the development of computer code which represents natural-language law, is being increasingly adopted by public and private actors domestically and internationally. While many optimistic advocates of legal coding suggest that it is an objective and straightforward practice, scholarly literature suggests otherwise, highlighting a host of interpretive and logistical challenges that arise throughout the legal coding exercise. These challenges overlap significantly with those faced by legal translators in multilingual jurisdictions, indicating that they may be alleviated by applying legal translation frameworks. To this end, this project involved adapting and applying three different legal translation methods to legal coding. Seven law students with previous legal coding experience were each trained according to one method and asked to encode the same legal processes expressed in key provisions of the Corporations Act 2001 (Cth). For each student, three outputs were produced regarding the relevant law; an analysis, a logical mapping, and an encoding. Additionally, each student kept a log of challenges and decisions made, and undertook a debrief interview following submission of their work. Using NVivo, these artifacts underwent open and closed-coding analyses in order to compare the artifacts of each coder and identify the impacts of their assigned methodology. This included quantifiable characteristics, such as usage of extrinsic materials, volume of outputs, and in-code annotations, as well as broader characteristics such as varying logics employed in mapping and coding, and challenges identified by coders. The results show significant variability in the outputs of coders, aligning with scholarly literature which suggests that the legal coding exercise is neither objective nor straightforward. Initial findings suggest that some of these varying characteristics are dependent on the methodology assigned to the coder, while others are owed to individual coding style or other hidden variables. The translatory methods adapted and applied in this project are novel in

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the context of legal coding, as is the method of analysis. Furthermore, the identified significant variability across coder outputs has severe implications for the widespread development and publication of machine-consumable representations of the law.

The Role of Technology in the Tension Between Law as a Profession and Law as a Business Literature

Chantal McNaught

Several authors have observed that the legal profession is adopting Generative Artificial Intelligence (GAI) and Large Language Model (LLM) technologies at a rate not previously observed of other legal technologies. The legal profession is clearly not immune to the Gartner Hype Cycle. For instance, multi-national law firms such as Allen and Overy, and global legal publishers like LexisNexis and Thomson Reuters, have already invested heavily in these technologies during the early stages of their general availability. This rapid adoption by “elite law firms” has profound implications on the delivery of legal services to the majority of those who access them. Meanwhile, the tension between law as a profession and law as a business is observable in the academic and professional literature for at least the last century. With the advent of these new and potentially disruptive technologies making their way into general legal practice, recent literature has raised practical questions about what the future of lawyering looks like in this brave new world. This paper sets out how the literature has grappled with legal technologies such as GAI in the context of the tension between law as a profession and law as a business, drawing upon practical examples and uncovering predictions for the future of lawyering.

Remote Brazilian Supreme Court: The Rise of Virtual Asynchronous Trials after the Pandemic

Raphael Ramos Monteiro de Souza

The Covid-19 restrictions have affected human relationships across multiple dimensions. Essential services had to quickly adapt to ensure regular operations, as the disruption triggered an unprecedented technological acceleration (Fried & Hansson, 2013). In this context, this article aims to analyse the impacts of the rise of the virtual environment of asynchronous trial sessions, as permanently adopted by the Brazilian Supreme Court since the onset of the pandemic - which means one step further than the standard use of videoconference (Ng, 2023). To this end, it first focuses on the features of each stage of the electronic proceedings and the increase in productivity. After that, it discusses deliberative, agenda-setting and judicial behaviour concerns resulting from this institutional turn. In this vein, timing, docket control and dialogical balancing are strategic parts of the toolkit for the diffuse support and the endurance of Constitutional Courts (Epstein & Knight, 1998; Baum, 2007; Friedman, 2010; Fontana, 2011; Dixon, 2023). The study concludes that, apart from mitigating the judicial overload, the virtual plenary could enhance the capacity of the Court not only to make urgent rulings proceedings quickly but also to prevent atomistic performance. This is significant considering that the delay and the excessive individual powers were some of the main concerns posed against the Court in the last years (Mendes, 2010; Ribeiro & Arguelles, 2018). However, it also warns that given the trade-off between efficiency and genuine collegial interaction related to this technological innovation, criticisms over the deliberative aggregation process remain unsolved. Therefore, it argues that this kind of hybrid decision-making model has no clear rule yet. That is, whether and why a case will be decided in the virtual style, on the one hand, or in its particular model of open, physical and, synchronous joint hearing and conference sessions - live-streamed on “TV Justiça” and Youtube (Souza, 2016) –, on the other, as a tool for social accountability and judicial responsiveness (Vermeule, 2007; Peruzzotti & Smulovitz, 2016). Finally, it emphasises that the virtual environment enabled agile responses to recent healthy and democratic emergencies and could serve as a helpful decision-make option for overwhelmed Courts.

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Session Planner Conference Schedule

12 December

First Day of Conference

8:30-9:00	Set up/coffee Gibson Room Z Block Level 10					
9:00-9:25 Plenary 1	Conference Opening <ul style="list-style-type: none"> Welcome to Country– Elder Jody Currie – QUT Elder-in-residence Welcome to Conference – Professor Sharon Christensen, Head of School, School of Law, QUT Conference Notes –Kieran Tranter Z Block Level 4 Theatre 406					
9:25-10:45 Keynote 1	Associate Professor Mitchell Travis <i>Dystopia Now</i> Chair: Tim D Peters Z Block Level 4 Theatre 406					
10:45-11:15	Morning Tea Gibson Room Z Block Level 10					
11:15:12:45 Panel Session 1	Disruptive Legalities (Z 413)	Jurisprudence of the Future (Z606)	Corporate Technologies (Z 607)	AFLJ: Gender and Judging (Z 308)	Imagining Futures (Z 208)	Roundtable Archiving Atrocities (Z 309)
12:45-1:45	Lunch Q+A with Lex Machina Artist Brydon Wang Gibson Room Z Block Level 10					
1:45-3:15 Panel Session 2	Decolonial Futures (Z 606)	General (Z 607)	Decentering the Ledger (Z 208)	Jurisographies (Z 413)	Data and Flows (Z 208)	Exploring Tax Theory (Z 309)
3:15-3:45	Afternoon Tea Gibson Room Z Block Level 10					
3:45-5:15 Panel Session 3	AFLJ: Feminism and the International (Z 413)	Archiving Atrocities (Z 606)	Entanglements (Z 607)	AI Here and Now (Z 208)	General (Z 208)	Author meets Reader (Z 309)
5:30-7:30	Reception and Book Launch (Ship Inn) Griffith University Southbank Campus					

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13 December

Second Day of Conference

8:15-8:45	Set up/coffee Gibson Room Z Block Level 10					
8:45-10:15 Panel Session 4	Decolonial Futures (Z 606)	AFLJ: Othering, political economy and coloniality (Z607)	Crisis and Critique (Z308)	Generals (Z309)	Roundtable: Ecosophical Neighbourhood (Z 413)	Workshop: Period Tracking (Z 208)
10:15- 10:45	Morning Tea Gibson Room Z Block Level 10					
10:45- 12:00 Keynote 2	Associate Professor Faith Gordon <i>Deus Ex Machina: Children, Online Harms and the Theme Of 'Rescue'</i> Chair: Professor Cassandra Sharp Z Block Level 4 Theatre 406					
12:00- 12:45	LLHAA Prizes Z Block Level 4 Theatre 406					
12:45-2:00	Lunch LLHAA AGM Gibson Room Z Block Level 10					
2:00-3:30 Panel Session 5	Decolonial futures (Z 606)	Technologies of Truth (Z 607)	Vision and Envisioning (Z 308)	Generals (Z 309)	Roundtable: Conditional Critical (Z 413)	Workshop: Period Tracking (Z 208)
3:30-4:00	Afternoon Tea Gibson Room Z Block Level 10					
4:00-6:30 Plenary 2	20 Minutes with the Devil Film Screening and Discussion with Luis Gómez Romero and Desmond Manderson (finishes 6:30) Z Block Level 4 Theatre 406					
7:00-	7:15 pm Dinner The Jetty South Bank					

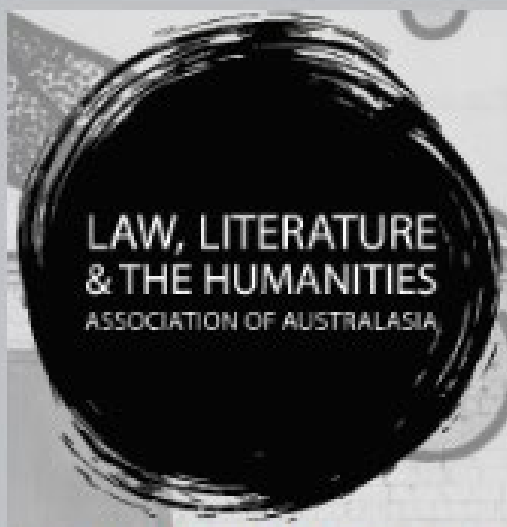
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14 December

Third Day of Conference

8:30-9:00	Set up/coffee Gibson Room Z Block Level 10				
9:00-10:30 Panel Session 6	Decolonial Futures (Z 606)	The Sovereign Strikes Back (Z 607)	AFLJ: Feminism and the Digital (Z 308)	Digital Disruptions (Z309)	Archiving Atrocities: Conversation with André Dao (Z 413)
10:30- 11:00	Morning Tea Gibson Room Z Block Level 10				
11:00- 12:15 Keynote 3	Professor Thalia Anthony <i>Carceralism, colonialism and necroautomobility</i> Chair: William P MacNeill Z Block Level 4 Theatre 406				
12:15-1:00	LLHAA Life Members Z Block Level 4 Theatre 406				
1:00-2:00	Lunch Gibson Room Z Block Level 10				
2:00-3:30 Panel Session7	Disruptive Legalities (Z 606)	Corporate Technologies (Z 607)	Jurisprudence of the Future (Z 308)	Righteous Feminist Violence (Z 413)	Lawtech and Digital impact (Z 309)
3:30-4:00	Close Gibson Room Z Block Level 10				

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