

“ THERE IS A HIGHER COURT THAN COURTS OF JUSTICE AND THAT IS THE COURT OF CONSCIENCE. IT SUPERSEDES ALL OTHER COURTS. ”
– MAHATMA GANDHI

Conscience is a term of art and, as lawyers and students of law, our art is through words. Be them spoken, written or read, we dissect the English language with a rigour, detail and finesse unseen in other professions. We use words and expression to make an argument, to deconstruct an opponent and to stand up for justice. The essence of law lies in the interpretation of a word, the alignment of a phrase and the ability to articulate the needs and rights of the person being defended. It is through language that we make our voice heard; it is through language that we make a difference.

Yet what use is a word without a good conscience, moral or ethic to uphold it? Law school is a time for establishing values, for learning about our place within the world and for applying rigour and critical thinking to the work we perform. It is about building confidence to trust our instincts and being bold enough to speak important truths. As we take a break from textbooks, lectures and essays, it is necessary to use our conscience to critique the black letter, think beyond it and communicate our insights in the hope of awakening the conscience of others.

Court of Conscience, now an ALSA award-winning journal, is an arena for thought, reflection and consideration of major issues and injustices in Australia and around the world. It is a forum to explore and challenge the preconceived ideas of ‘justice’, to share areas of interest and passion, and express opinions on unique and interesting topics. Congratulations to the *Court of Conscience* team, led by Katerina Jovanovska, for their excellent work in producing this outstanding publication – undoubtedly one of the finest editions yet.

In 2013, *Court of Conscience* is daring and unconventional. In the coming pages, we invite you to read about the rights of tyrants in international law, sex worker reform and neo-imperialism in the Middle East. These articles advocate justice for voices often silenced. They are thought-provoking and enriching. As we seek to push the bounds of ‘justice’ and elevate ourselves into a higher ‘court of conscience’, we hope that you can enjoy the proceeding articles and are inspired, in turn, to respond positively to the demands of social justice.

Jacqueline Fetchet

Vice-President Social Justice

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THE ROLE OF THE SOCIAL JUSTICE PORTFOLIO IS TO PROMOTE THE SOCIAL CONSCIENCE OF LAW STUDENTS THROUGH EDUCATION, ADVOCACY AND COMMUNITY INVOLVEMENT. WE ENCOURAGE YOU TO BECOME INVOLVED WITH THE ACTIVITIES, EVENTS AND EXPERIENCES WE OFFER IN ORDER TO ENGAGE AND RESPOND TO PERTINENT ISSUES OF SOCIAL JUSTICE.

I welcome you to the seventh edition of *Court of Conscience*.

Court of Conscience 2013 will see UNSW students and Faculty of Law members grapple with legal, moral and ethical issues that are thought provoking and demand our attention as students of the law. The beauty of this realm of our legal education is that solutions to the issues identified within *Court of Conscience* can only come from discussion. Only through sparking debate and meaningful discourse about the issues that need more than a mere application of law will the necessary creative and conscionable solutions manifest.

At UNSW Law, we lead this debate. Questions of social justice are constantly being thrown our way, and we are forced to ponder the fairness of the situations taking place in our courts and in our community. A law degree from UNSW means we are qualified not only in the law itself, but the art of questioning why something is happening, whether it should be happening, and formulating plans as to how to fix it in our capacity as law students and legal practitioners.

This is the ethos that permeates *Court of Conscience*. I hope you read the articles with the knowledge that you have the ability to make a difference. The pages to come pose some difficult questions - questions that are worthy of spending some time trying to answer. Rather than developing an immunity to the idea that some people will suffer at the hands of justice, I encourage you to use your privileged position of being intimately acquainted with the operations of the law. Ask yourself whether it is fair, right or reasonable to punish those whom the legal system treats differently or unfavourably. Our courts are not only courts of law, but also courts of conscience. I hope the articles to come will inspire you to turn your mind to social justice, and advocate for fairness, equality and the just application of the law.

I hope you enjoy the 2013 edition.

Katerina Jovanovska
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