

RATIO

The Newsletter of the LSE Law Department • January 2011

The Kenyan Constitution



Dr Chaloka Beyani, Senior Lecturer in Law in the Law Department, served as a member of the Committee of Experts that prepared the new constitution of Kenya 2010 from February 2009 to August 2010.

Prior to adopting a new constitution in August this year, Kenya was governed under the framework of the 1963 independence constitution that was negotiated at Lancaster House in the United Kingdom. After independence, that constitution had been amended many times over, leading to the creation of what Kenyans called an 'imperial presidency' that consolidated power and dominated politics, leadership, governance, and the whole country. As the quest for multi-party politics and democracy gained momentum in the early 1990s, further amendments were made to accommodate these demands, but the constitutional infrastructure remained the same. Constitutional reform was captivated by the ensuing debate on the desirability of minimum incremental reforms on the one hand, and comprehensive constitutional change on the other hand.

After the post-election violence in 2007-2008 in which more than 3,000 Kenyans lost their lives, the debate shifted in favour of comprehensive constitutional change. A reform agenda was drawn up under which constitutional review was the centre piece of the reform process. A Committee of nine experts comprising six Kenyan experts and three international experts was established under the Constitutional Review Act 2008 to spearhead the new constitution-making exercise. The Kenyan Members of the Committee were: Mr Nzamba Kitonga, SC, Chairman; Ms Atsango Chesoni, Vice-Chairperson; Mr Otiende Amollo; Ms Njoki Ndung'u; Mr Bobby Mkangi; and Mr Abdirashid Abdullahi. The international members of the Committee were Professor Fredrick Ssempebwa, Professor Christina Murray, and Dr Chaloka Beyani. The *ex-officio* members of the Committee were the Hon. Attorney General, Mr Amos Wako, and the Director, Dr Ekeru Aukot.

The Committee was established as a collegiate body and performed its functions collectively, but it assigned individual members to take the lead work on different aspects of the constitution. Each member presented their work to the Committee and justified their proposals before the Committee, and decisions were taken principally by consensus. Outside of the Committee, the constitution-making process was as widely consultative and participatory as circumstances allowed. Civic education on the constitution-making exercise in general and in the period leading to the referendum was conducted by the Committee in all the regions of Kenya.

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HEAD OF DEPARTMENT'S INTRODUCTION

A note from our Departmental Manager gently reminding me that my entry for this edition of *Ratio* is overdue. At the same time comes



the request for yet more TRACing. TRAC is the suspiciously appropriate acronym dreamt up in the department of HE Newspeak for the report which all academic staff must fill in and which apports the working week (maximum 40 hours) between teaching, administration and research. HEFCE requires that we TRAC as a precondition of the School receiving the benefits of full economic costing for research, so it's important. This is me tracking my working week.

Monday. I have to evaluate applications by European scholars for fellowships in the EURIAS programme, a pan-European joint venture of institutes of advanced studies. I've read their CVs, proposals, references and sample writings over the weekend. They're all impressive so ranking is not easy, but rank I must. Then the usual avalanche of emails, broken only by a meeting with the newly appointed Director of the School's Research Division to discuss its role in helping academic staff in bidding for research grants. We also talk about the Research Excellence Framework (REF): scheduled for 2013-2014, this is the new version of the Research Assessment Exercise, in which we excelled in 2008. Why a Government engaging in

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The new constitution was adopted by a referendum held on 4 August through which almost 69 per cent of the votes cast voted in favour of the new constitution in comparison to almost 30 per cent who voted against it. The new constitution was brought into effect at a colourful ceremony attended by thousands of joyful Kenyans on 27 August 2010. It limits presidential powers, separates out legislative and executive functions, creates two houses of parliament, contains a recall clause for Members of Parliament, establishes an expanded modern and progressive Bill of Rights, devolves power from the centre to 47 Counties, requires integrity and accountability in leadership, provides for the vetting of judges, and creates a new Supreme Court for the country.

Chaloka Beyani

Research Round-Up

Legal Life Histories at LSE

Legal biographies and autobiographies are a rich and important source of information about the legal system, the evolution of case law and statute, and legal cultures more generally. Yet, despite a growing interest over the last fifty years in the information such studies contain, they have been much neglected. The Legal Biography Project, convened by the LSE Law Department seeks to remedy this omission by providing a focus for biographical research in law. The aim of the project is to facilitate and create a rich foundation for scholarship on life stories and histories of the legal profession. Drawing on published works, official records, personal letters, oral histories, art work and film we aim to facilitate discussion about ideas of lawyering, judgecraft, judicial identity, judicial diversity and the changes which have occurred to these notions over time.

This year's programme has been arranged around a series of public events which include interviews with senior members of the judiciary, a tour of judicial portraits at Lincoln's Inn, and academic papers which focus on

secret histories of the legal profession. In addition, the project aims to raise funds with which to acquire a set of relevant British legal biographical materials to be supplemented by books and other archival material about judges, barristers, solicitors, scholars, government officials and advisors. Readers may be interested to learn that we have recently acquired papers from the collections of Claude Mullins and Cyril Glasser. A full list of the project's current holdings, as well as details of how to gain access to the collection, can be found on our website.

The project is managed by **Professor Linda Mulcahy** and **Dr Kristen Rundle** of the LSE Law Department, with the support of an advisory board of external experts led by **Sir Ross Cranston QC FBA**. If you feel you have something to contribute to the project or would just like to be involved please contact Linda or Kristen. For further details of the project and this year's programme of events see: www.lse.ac.uk/collections/law/projects/legalbiog/lbp.htm

Linda Mulcahy and Kristen Rundle



HEAD OF DEPARTMENT'S INTRODUCTION CONTINUED

unprecedented rates of public expenditure cuts would keep this elaborate bureaucratic exercise is beyond me. At 6, off to a seminar on European constitutionalism, but the room is unlit and empty. It had been rescheduled for 7pm a couple of weeks earlier and my Outlook Calendar has let me down. And so back home to mug up on materials for my graduate seminar at 9 in the morning.

Tuesday. A talented group of 14 students take the LLM seminar on Constitutional Theory. They come from Australia, Canada, Chile, Colombia, Germany, Greece, Kenya, Mexico, USA (... and one from the UK) and it's clear to all of us that I'm learning as much from them as they might be from me. It's the only teaching I am doing at this point in the year and a highlight of my week. Thence to a meeting with a colleague from another London college to discuss his proposed research project on central-local government relations, a subject I once felt I knew something about. I no longer do... things have moved on.

At midday to the Heads of Department lunch. Over School sandwiches we discuss everything from proposed amendments to employment contracts to the endless noise of contractors in Houghton Street.

Not much time after lunch before I receive the Russian Minister of Justice and his entourage. He is very keen to talk about developments in legal education because of imminent and what sound like fairly radical reforms in Russian law schools. We've arranged for him to meet with a group of Russian students studying in the Department. I wasn't surprised to discover we have about eight on our LLM programme, but five undergraduates studying for an LLB in English Law? The world is changing. Most intriguing of all: every one of our Russian students is female. (I'm baffled: suggested reasons for this on a postcard please.)

Last meeting of the day with the chair of our LLM Admissions programme – to agree targets for the coming year – before heading off to the annual reception for scholars of the School. This is yet another reminder of how cosmopolitan the School now is. There are students from around 140 countries studying at LSE, and they all seem to be represented here. I graze on the canapés, wondering whether the potato wedges count in my five-a-day target, and leave at 8.

Wednesday. To a teaching observation. The Head of Department must report on teaching for all candidates coming up for review and promotion. Each time I carry out an observation I seem to gain more from the exercise than those being evaluated – not only do I get invaluable teaching tips but also it's an exercise in continuing legal education for me. I'm pleased to say that I have renewed confidence in my ability to distinguish readily between the Council of Europe, the European Council and the Council of the EU.

Off to a lunch for our Visiting Fellows/Professors where we can all meet up in a more relaxing environment. This year, we are hosting academic visitors from Australia, Austria, Brazil and Italy... and some Brits.

To a meeting with the head of the School's Planning Unit – organised to help me to get my head round the dreaded RAM, the Resource Allocation Model. The reason for this is tomorrow's annual monitoring meeting with the Pro-Director for Resources, at which I'm grilled about management performance and planning targets for the Department. It helps... to a point.

In the evening to the Globe Theatre to a friend's book launch. Not the usual *Shipping Law & Practice in Austria and Other Landlocked States* event. This celebrates the publication of *Reading and Rhetoric in Montaigne and Shakespeare* and features a bravura performance by one of the troupe's actors reading excerpts from Montaigne's essays. Over tankards of mead afterwards (ok: actually Italian red), I discover he'd never read Montaigne before being engaged for the gig: even more impressive.

Thursday. Emails even more mountainous than usual so I escape for lunch with the head of Social Policy to discuss the future of the Mannheim Centre. This is LSE's cross-disciplinary institute bringing together academics working on criminal justice policy and criminology. It's currently suffering from a combination of financial constraints and personnel changes, but we find a solution which we think will keep up its momentum. This is followed by a meeting about the complicated matter of contractual negotiations on the University of London External LLB programme – there are six London colleges in the Laws Consortium but, given the sums at stake, we need to get it right. Then off to meet Pro-Director George Gaskell for our annual review. It goes well enough, but when I pitch my bid for a new post to alleviate the strains on the corporate/commercial side of the Department's work George's face is inscrutable. He'll refer the matter to the Academic Planning and Resources Committee and I think that means not a snowball's chance in hell, friend.

Friday. At home. Outlook records that today I delete 58 messages and send 26 – so I'm getting better. For the rest of the day I read a draft chapter from one of my doctoral students (needs work) and writing the other entry – on John Griffith – that I've also promised *Ratio*. At 6.30 I switch off, to muffled complaints along the lines of 'and about time too'. To the tavern, and so to bed.

My TRAC entry: teaching 2 hours; administration 38 hours (both notional).

Martin Loughlin



profile: Professor Jill Peay



Mental Health and Crime*, by Jill Peay. Published by Routledge (2010) in David Downes and Paul Rock's series on *Contemporary Issues in Public Policy

Mental Health and Crime is arguably mistitled since its subject is predominantly about mental disorder and crime. Indeed, some would argue that it almost a *sine qua non* that the commission of a crime signifies a state of disorder or disarray in the perpetrator. Mental disorder is, of course, a term with sufficient expansionary capacity readily to embrace many forms of deviant or disconcerting behaviour, so its role in explaining crime has considerable prominence. However, *Mental Health and Crime* questions that prominence by posing some ordinary questions that do not have conventional or comfortable answers; and in so doing it seeks to move away from the commonplace assumptions about the relationship between mental disorder and offending behaviour. Whilst the contexts in which the questions are posed – of crime and mental disorder – are so widespread as to be almost ubiquitous, the book is about the relationship, if any, between these two phenomena. And of the consequences that do or should stem from the establishment or refutation of any such relationship.

So does mental disorder cause crime? Are mentally disordered offenders as culpable for their offending as normal offenders? To what extent, if any, are their mental disorders treatable? How can we fully protect the human rights of those deemed mentally disordered offenders, when they have caused damage to others, and perhaps damage of an irreparable nature? And what consequences do the answers to these questions have in respect of how we should deal with those who have offended and who

coincidentally have mental disorders? This last question is posed in such a long-handed way since it is almost certainly inappropriate and misleading to refer to such people as 'mentally disordered offenders'. Indeed, do the answers to any of these questions differ if one poses them the other way around? For example, does crime cause mental disorder? Or do those with mental disorders who have coincidentally offended have any different expectations with respect to how they should be treated by the criminal justice and health systems?

It is not hard to bring to mind images of those about whom the book might be concerned: Peter Sutcliffe, who was convicted of murdering thirteen women; Christopher Clunis, who killed Jonathan Zito in a sudden and unprovoked attack at Finsbury Park tube station; and Dennis Nilsen, who killed and dismembered the bodies of young men lured to his flat. But should we add the likes of Josef Fritzl from Austria, Dr Harold Shipman, or Fred and Rosemary West? Or Ian Huntley, who killed Holly Wells and Jessica Chapman, girls aged only ten years at the time? It might be expected that a book with the title *Mental Health and Crime* would focus on this range of the mad and bad; many do. But that is not the book's intention. Indeed, all of those individuals were held criminally culpable, albeit that that culpability was reduced in the case of Christopher Clunis. These offenders largely did not benefit from any allowance that might have been made with respect to their mental state, even though a number of them did ultimately find themselves confined in psychiatric rather than penal institutions. Rather the book examines some of the issues thrown up by the many thousands of sad and difficult individuals who find themselves

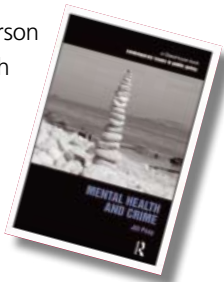
in conflict with the criminal law, incidents that occur on a daily basis. The book also ventures briefly into territory that is much less accessible: the offending sleepwalker, where reason is not present in any meaningful form, or those living under what Terry Pratchett has coined 'the fog of Alzheimer's'. Whilst the issues concerning those who have offended in the most serious way invariably inform the book, in part because they comprehensively infiltrate the popular understanding of this field, and in part because it tends to be only in the most serious cases where psychiatric evidence is tendered and examined, the book's focus is on understanding some of these difficult issues, and trying to understand them across the range of offenders and the spectrum of disorders. In so doing, the archetypal case should be one of criminal damage or theft by someone whose mental inadequacies may never feature, as they perhaps should, in the assessment of culpability. It is a superficially less enticing prospect for readers, but it is intended to make the book ultimately more enriching.

The first half of the book examines the knotty problem of the links between mental disorder and crime, and it then considers some of the human rights related issues. These are fruitful in thinking about the borderlines between deviance and disorder, and thus the justifiable distinctions between those deemed fit to punish and those for whom mental health professionals have a legitimate role. In its final chapters the book examines some of the difficult terrain of culpability and treatability, through the problematic extremes of disorder and offending, and the consequent issues of process. In so doing, it looks at offending behaviour whilst in a state of automatism,



which may indeed not constitute 'crime' as such; and the problem of 'dangerous and severe personality disorder', which may not constitute a 'disorder' as such.

Indeed, the easy co-occurrence of mental disorder and crime in the term 'mentally disordered offender' is contentious. For those with mental disorder the peculiarities of the processes of establishing criminality may lead to uncertainty both about the existence of culpability and about the pre-existence of any mental disorder. Confusing multiple presentations mean that one can never be certain whether one should conceive of the mentally disordered offender as an offender with a right to a proportionate measure of punishment or as a mentally disordered person with a need for a health intervention; or both in some ineffable mix, challenging us all to re-examine our preconceptions.



'the book examines some of the issues thrown up by the many thousands of sad and difficult individuals who find themselves in conflict with the criminal law, incidents that occur on a daily basis'

Transnational Law Project

THE TRANSNATIONAL LAW PROJECT

The phenomenon of legal practice and law itself adapting to the new and old challenges of a globalised economy comes in many facets – in almost as many facets as the different branches of the law represented in the LSE Law Department. It was this insight that led to the creation of the Transnational Law Project two years ago. It aims at federating the expertise in the Department, both in research and teaching, that relates to the phenomenon of rulemaking beyond the traditional conception of the state. Our basic idea is to promote scholarship in this emerging field of the law and to create a venue for enhancing the dialogue between the scholarly community, the practitioner world and policy makers.

The project started out in 2009 with a colloquium on the UNIDROIT Principles on International Commercial Contracts and was formally launched with Jan Paulsson's inaugural lecture as a Centennial Professor in the Department on the nature of international arbitration, which filled the Hong Kong theatre. Since then the Project has established itself as a leading venue for cutting-edge and critical ideas and discussion on transnational dimension of law. Examples of this have been since September 2010:

- a closed workshop on *Paradigms, Methods and Analogies in Investment Treaty Law*, that brought together leading academics and practitioners from all over the world for a day of very intense and enlightening debates;
- a public debate on the English doctrine on the applicability of foreign mandatory laws between Graham Dunning QC, Jan Paulsson, and Professor Trevor Hartley;
- a fully booked seminar co-organised with the LSE International Trade Policy Unit

on *The Future of European International Investment Policy* at which the LSE lead study for the European Parliament was presented and discussed by commentators from the European Commission, the UK Department of Business, Innovation and Skill, and from legal practice; and

- a public debate between Jan Paulsson and Alexis Moure on *Unilaterally Appointed Arbitrators*, in which Alexis Moure, one of the leading French experts on arbitration, will question Jan's thesis that letting parties appoint their 'own' arbitrators in international arbitration is not the best solution – a thesis that has sparked one of the most controversial ongoing debates in the field.

This year's theme of investment treaty law will still run through most of the upcoming Lent Term evening seminars. With Jacco Bomhoff taking up the co-lead, the Project's upcoming theme is *Transnational Private Regulation* and we are currently planning to launch it in June with a conference on *Transnational Law of Financial Markets* so as to link in with the Department's Law and Financial Markets Project.



The Project's events are open to the public and are, since this academic year, CPD certified.

Especially the Law Alumni are most welcome and cordially invited to attend these seminars. The events are announced on the Project's internet page, where you can also sign up for email updates and find more information about the Transnational Law Project: www.lse.ac.uk/collections/law/projects/tlp/events.htm

Jan Kleinheisterkamp



Mooting, 2009-2010

Internal moots

The internal moots usually cater to two constituencies – the nervous newcomers and the seasoned veterans. There are two separate internal competitions for each of these groups, divided on the basis of (a) first years and (b) second as well as third years. Last year we had a record high of 36 participants for the former, with 14 for the latter. Herbert Smith generously funded the internal moots, helpfully supplied judges for key rounds and also contributed the venue for a hard fought final, followed by a prize distribution ceremony. For the first year competition, Sumaiyah Khan and Ravandeep Khela won first place, narrowly outmanoeuvring Zachariah Sammour and Omar Jooma on a topical euthanasia problem. The other finals problem related to knotty consideration issues arising under contract law. Here the winners were Kristina Wahidullah and Meltern Cenktaş, with Catherine Sullivan and Ali Auda as runners up. Associates from Herbert Smith were joined on the bench by Dr Jo Braithwaite and Dr Stephen Watterson of the LSE Law Department, while LLM students Aqeel Kadri and Eoin Martin rounded off the judicial complement.

The year also witnessed several initiatives aimed at raising the profile of mooting amongst the student body. We began the year with a live demonstration moot before a capacity audience of over a hundred, the Law Society further developed the Mooting Handbook (a useful resource for both potential mooters and judges) and we recorded a demonstration moot showcasing the Law Department's new moot court

room. This video is now available as a resource for all first years, who participate in a compulsory moot as part of their LLB.¹ Special thanks to our veteran moot judges Giorgio Monti and Dr Charlie Webb, for assisting with this. We would like to conclude by acknowledging the outstanding contribution and infectious enthusiasm of Aashni Dalal, ably assisted by Alim Amershi. These Law Society officers were ultimately responsible for a very satisfying and successful year of internal mooting.

External moots (UK and the world)

In 2009-2010, LSE took valiant steps towards establishing itself as a presence in the world's mooting halls if not yet on its trophies. Under Kristina Wahidullah's capable direction as student mooting officer, LSE entered teams in a range of UK-based competitions. Valene Guerra, Savita Birbal, Chase Kvasnak and Helene Taberlet represented LSE at the London University Mooting Shield, the first round of which was hosted at LSE in October. The team ultimately came fourth, having won six of their eight moots. LSE also entered teams in the Essex Court Moot (Stefan Farahani and Joel Keh), hosted in LSE's Moot Court Room; the Weekly Law Reports Moot (Kristina Wahidullah and Gemma Mootoo Rajah); the OUP / BPP National Mooting Competition (Preetam Samra and Helen Lee); the Inner Temple Inter-Varsity Mooting Shield (Grace Cheng and Joel Keh); and a UK Law Students Association moot (Eugene Eng and Anuj Ghai) round hosted at LSE. In all cases, the teams went out on the narrowest of margins.

LSE also entered a series of international competitions, buoyed by the robust support of staff and graduate students. Dr Jan Kleinheisterkamp coached a team that ultimately travelled to Paris and Vienna for the William C Vis International Commercial Arbitration Moot. The team's memorandum received honourable mention and team member Aashni Dalal was runner-up for the prize of best oral pleader. Dr Dev Gangjee deftly guided a team through the Oxford IP Moot. PhD student Floris de Witte advised a vibrant group who entered the European Law Moot Court Competition and made it ultimately into the regional final, held (somewhat counter-intuitively) in New York, coming in fourth. A group of enterprising LLM students studying the laws of war – Marco de Sousa, Emma Walker and Linda Zouari – managed not only to attract financing from the Director's Fund, but also to make it through to the semi-final of the Jean Pictet Competition in Montreal, where they ceded to the competition winners, the Interdisciplinary Center of Israel. Two graduate students, Aleks Bojovic and Zoe Fiander, led a team into a new international competition, Telders, which LSE also hosted. Despite few prizes this year, a great number of students gained immensely in knowledge of the law and of the wider world.

Dev Gangjee and Stephen Humphreys

¹ At: www.lse.ac.uk/collections/law/students/mooting.htm



In at the Deep End: Mooting

'Liza, the deadline's tomorrow, will you join me?' So asked a friend of mine as we shuffled into a very busy lift in the Old Building. I remember the awkward silence in the lift as everyone politely studied their shoes despite being squeezed into intimacy. 'Ok, let's do it,' I replied after a moment's thought, quite unaware of what I was getting myself into.

The problem question appeared in my inbox a few days later and I recall nervously clicking on the PDF file and watching it load. My first ever moot was to be on constructive manslaughter. 'Oh no,' I thought, 'I know nothing about that'.

I remember distinctly from last year the words of a professor of mine in answer to a question on how to write an essay. He told me to approach it as though I were mooting. This is excellent advice since the level of preparation that goes into a moot is phenomenal. You may be faced with a problem you have never studied before, just as I was in my very first moot: this provides the impetus to begin fast and rigorous research in order to come up with an argument that, in your delivery, will be indestructible. Extensive research is also the key to rebutting the arguments of your opponents.

Mooting is challenging, particularly when you must argue against the standard legal position. From my own experience, I have never been in a moot where the law has been unequivocally on my side. Indeed I have no wish to be, because the challenge of arguing against the grain is simply exhilarating. The beauty of a moot which takes place in the House of Lords, now the Supreme Court, is that you are totally in charge of the way that you conduct your argument; and should the House accept it, albeit in the fictional mooting world, you will have been responsible for some development in the law.

I am very glad I began mooting in my first year, because after the initial fright of the first three moots or so I realised I really enjoyed it. My most memorable moment was receiving an email in which my name appeared on the list of finalists for the Atkin Moot Competition. With only four days to prepare I began intensive research, but this time the pressure was heightened by the fact that this round was to be adjudicated by a former High Court Judge, Sir Thayne Forbes!

As soon as you've done it once, you want to do it again. I strongly encourage anyone to try it and be astonished at what lies in store.

Elizaveta Smirnova

LAW DEPARTMENT WORKING PAPER SERIES



The Law Department has now been running its working paper series, *Law, Society and Economy*, since the beginning of 2007. Over 70 papers have appeared in the series since its inception. The series focuses on interdisciplinary legal scholarship in all subject areas and publishes contributions from academic staff, doctoral students, keynote speakers and visiting scholars in the LSE Law Department. Papers are published electronically and are available free of charge online or through email distribution. The series editors aim to publish at least three batches of papers each year. Recent staff contributors to the series include Professor Mike Redmayne on witness confrontation, Dr Veerle Heyvaert on risk regulation, Professor Julia Black on managing the financial crisis, and Dr Kai Moller on the right to life. Recent postgraduate contributors are Andrés Jonathan Drew on emissions trading policy, and Ewan McGaughey on employment rights for agency workers, and in February 2010 the series carried a the text of a lecture by Lord Goodhart in which he provided an account of the life and juristic career of his father, A L Goodhart. Anyone interested in reading these and other papers in the series can do so by visiting www.lse.ac.uk/collections/law/wps/index.htm

Neil Duxbury



profile: Stephen Humphreys



International Humanitarian Law (IHL) Project

The last year has been a period of readjustment for LSE's IHL Project. For a number of years the Project has provided a space for talks and visits from distinguished scholars on themes related to the laws of war. However, the international law profile of the school has since shifted, and with some principal figures – Chris Greenwood, Gerry Simpson, Louise Arimatsu – moving on, and another, Chaloka Beyani, on sabbatical in Kenya, last year seemed a good time to pause and reconsider the Project's future. While meetings on the Project's possible future orientation continued across the year, the Project maintained a profile and presence with a series of events, some of which bear mention.

'LSE was fortunate in the extreme to have such a knowledgeable, sensitive, and articulate speaker to guide us through the complexities.'

As the academic year loomed, in August 2009, a two-day conference was held on the relationship between international humanitarian law and the European Convention on Human Rights, featuring the leading scholars in the field. The topic was (and remains) among the most disputed and central questions in the law of armed conflict (LOAC), given the continuing fallout over the Guantanamo Bay detainees, recourse to acts amounting to torture in the execution of recent wars, and the surge of cases involving LOAC at the European Court of Human Rights. Speakers included the former Law Lord, the late Lord Thomas Bingham of Cornhill, Elizabeth Wilmshurst, formerly of the Foreign Office, now at Chatham House, and Cordula Droegge of the International Committee of the Red Cross. The event, hosted at UCL, was due entirely to the efforts of Louise Arimatsu who, despite her departure for Chatham House, continued to provide indispensable support for the IHL Project through the year.

On 29 October Ashraf Qazi, UN Secretary-General's Special Representative for Sudan gave a lunchtime talk entitled *What now for Sudan?* SRSQ Qazi had come to LSE from a briefing at the UN Security Council on the situation in Sudan, and provided his LSE audience with the principal elements of his diagnosis, touching in particular on preparations for the referendum due to be held in January 2011 on the possible secession of Southern Sudan.

Two events stood out in 2010. In January, LSE hosted a dialogue between Marco Sassoli, of the University of Geneva, a former ICRC delegate and Françoise Hampson of the University of Essex, two leading scholars in both human rights law and LOAC. The talk, chaired by Christine Chinkin, concerned the increasingly central role of independent fact-finding in determining violations of the laws of war, with particular emphasis on the practical challenges.

Then in April, John Ging, Director of United Nations Relief and Works Agency in Gaza gave a rousing talk to a crowded New Theatre on the Israeli blockade of Gaza, which he described as a 'medieval siege' that is 'inhumane, illegal and insane'. Larger events gave Mr Ging's talk a searing focus: the night before he was scheduled to speak, a flotilla of ships carrying humanitarian aid to Gaza was boarded by Israeli troops leading to injuries, deaths, and heightened tension around an already sensitive topic. LSE was fortunate in the extreme to have such a knowledgeable, sensitive, and articulate speaker to guide us through the complexities.

The IHL Project has hosted two events in the new academic year, by Mary Ellen O'Connell on *Obama's drone wars* and by Gerry Simpson on *War crimes trials, solemnity and the problem of evil*. Plans are underway to increase the Project's profile gradually, with a day-long workshop to be held in May 2011, on future directions in the law of armed conflict.

Stephen Humphreys



Legal and Political Forum

The Legal and Political Theory Forum was set up in 2007 to foster a research community of staff and students in the overlapping area of legal and political theory. This interdisciplinary brief has certainly been met in 2010, which has been another busy year for the Forum.

Lent Term saw a steady stream of speakers from LSE, the wider UK academic community and further afield. The Law Department's own Anne Barron spoke on Kant and copyright. David Fraser (Nottingham) gave a paper on religion as a legal fact. Philip Cunliffe (Kent) one on the responsibility to protect. The Forum welcomed back its co-founder, Philip Cook, now at Leicester, for a challenging paper on education policy and child autonomy. Tapping deeper into the zeitgeist, Alan Kahan came from Paris to talk about *Mind vs. Money: The War Between Intellectuals and Capitalism*. The Forum also brought over from New York one of the young guns of international law. Nehal Bhuta, who teaches at the über-trendy New School, presented a wide-ranging paper on the possibility of a *ius post bellum* of constitutional transformation.

In addition to these regular term-time events, the Forum also put on a one-day conference on Hobbes and the Law. Generously supported by the *Modern Law Review*, the event was very well attended. The quality of the papers and responses (not to mention the general discussion) was uncommonly high. Apart from LSE

stalwarts like Katrin Flikschuh (Government) and Martin Loughlin (Law), we also had papers from David Dyzenhaus (Toronto), Ross Harrison (Cambridge) and Andrea Sangiovanni (KCL), all leading authorities in this field. Essays from this event are to form the basis of a collected edition to be published by Cambridge University Press next year.

This academic year for the Forum has begun as the last ended. We've heard papers from Antony Black (Dundee) on Islamic political philosophy and Barry Cushman (Virginia) on constitutional politics in the early-20th century US. Ex-LSE scholar Nico Krisch (Hertie School, Berlin) returns soon to talk on radical pluralism (and to launch his new book from OUP). The *Financial Times's* Samuel Brittan appeared for a 'Christmas special' on economic liberalism just before the end of term.

One innovation of 2010 has been the co-hosting of events with other groups within the Department. The Forum joined forces with the Law and Economics Forum to host David Campbell (Durham) for a provocative (not to mention downright scary) paper on the futility of carbon trading. We also teamed up with the Legal Biography Project to welcome Mark Walters (Queen's, Ontario) for a seminar on Dicey and legal literature. These joint events have had a distinctive character, allowing us to bring different types of scholarship (and different audiences) within the folds of the Forum.

Tom Poole

PATHWAYS TO LAW FOR STATE SCHOOL PUPILS

Pathways to Law, a programme run by LSE's Widening Participation team, has been shortlisted in the 'Equality and Diversity' category for the Law Society's Excellence Awards 2010.

The Pathways to Law scheme, a project run in conjunction with The College of Law and The Sutton Trust, targets state school pupils who are the first generation of their family to attend university and provides support throughout years 12 and 13 and beyond. It is backed by universities, law firms and The Law Society, enabling a varied programme of lectures, seminars, advice sessions, and e-mentoring, plus an invaluable law firm placement.

LSE jointly runs the programme with UCL for students in the London region, and is now recruiting 75 students for the next phase. Since it began in 2007, more than 1,100 students have participated in the scheme, with 200 students graduating through the LSE programme.

For more information about the Pathways to Law scheme or LSE's Widening Participation activities, please email [Niaomi Collett](mailto:n.collett@lse.ac.uk) at n.collett@lse.ac.uk or visit lse.ac.uk/study/undergraduate/informationForTeachersAndSchools/wideningParticipation/home.aspx



Climate change and human rights at the UN

On 4 October 2010, I gave a keynote address at the United Nations in the Palais des Nations in Geneva, at the request of the UN Office of the High Commissioner for Human Rights (OHCHR). The occasion was the *UN Social Forum*, an annual event hosted by the Human Rights Council, a subsidiary body of the UN General Assembly. This year's forum theme was climate change and human rights, an area in which I have conducted some research. Before entering on the substantive questions raised at the Forum, it may be useful to indicate in a few words what exactly the UN Social Forum sets out to be.

According to the OHCHR, the Forum is 'a unique space for open and interactive dialogue between the representatives of Member States, civil society ... and intergovernmental organizations'. It was conceived in 1997, to address 'concerns about the impact of globalization' on the set of human rights laid out in the 1966 International Covenant on Economic Social and Cultural Rights (ICESCR), that supposedly entrenches rights to basic standards of living, healthcare and the like. The point of the Forum is 'to formulate new ideas and proposals for action to address the global challenges facing human rights.' In practice, since its commencement in 2002, the Forum has taken poverty as its overarching theme: each year it adopts a thematic focus on a contemporary issue affecting poverty globally. The UN Social Forum is thus a rare occasion during which academics (and others) are invited to speak directly to governments on areas of their research and interest. It is also open 'to all

other interested stakeholders', five of whom are mentioned by name: the United Nations Development Programme, the World Bank, the International Monetary Fund, the World Trade Organisation and the United Nations Conference on Trade and Development.

'The relationship between climate change and poverty has multiple dimensions, as testified in the reports of the Intergovernmental Panel on Climate Change over the years.'

As discerning readers will have noticed, this institutional framework imports something of a tension into the heart of the Social Forum. It is not merely that the main 'stakeholders' turn out to include some principal purveyors of the same 'globalization' the Forum aims to interrogate (generally understood to mean the near-universal turn in recent decades to deregulatory market-centric formulae in economic management). But, in addition, these same stakeholders have consistently expressed scepticism about the utility or relevance, even in principle, of 'human rights language' in addressing poverty – and indeed about any human rights obligations they themselves might have as they undertake global economic interventions. The Social Forum is thus a curious beast: it is a principal space at the UN for open and

informed debate on the structural causes of poverty. But precisely for that reason, it tends easily to polemic.

Needless to say, it was an honour to address the Forum on an issue I believe is of great importance. The relationship between climate change and poverty has multiple dimensions, as testified in the reports of the Intergovernmental Panel on Climate Change (IPCC) over the years. On one hand, climate change may exacerbate the hardships experienced for those currently in poverty, who are, in IPCC language, especially 'vulnerable' to the ravages of a changing climate. But climate change may also lead to increasing poverty in much of the world, with floods and other natural disasters expected to destroy, on a mass scale in some places, existing livelihoods and dwellings.

It seems appropriate that this relationship should be examined at the UN Social Forum, since it is clearly of fundamental relevance to the future practical functioning of the ICESCR. Insofar as there is an 'ICESCR regime' in place to fulfil the human rights to health, housing, food, water and so forth, the questions are: How well has it functioned to date? And how well is it likely to hold up once the strain of climate change exerts pressure on the capacity of governments to alleviate poverty? The latter problem is exacerbated in the poorest countries, as they cannot themselves reverse or mitigate a problem they have not caused, and they tend to be (in a cruel twist) among the most vulnerable spots in the world to the worst climate harms.



THE LSE LAWYERS' ALUMNI GROUP

Once we take account of the feeble progress in addressing global poverty (or, in human rights language, Economic, Social and Cultural rights), on one hand – even before climate change makes things much worse – and the extraordinary delays in constructing a robust climate change regime, on the other, it does not seem inappropriate to ask whether climate change poses an existential threat to the contemporary international human rights architecture. And one could probe much further along these lines, into the effects of the main solutions now on the table. What, for example, are the likely human rights consequences of a functional global emissions trading system, should such a thing come to pass?

The relationship between climate change and human rights is complex – among the few areas of clarity is the observation that the ICESCR regime is poorly equipped to manage it. Nevertheless, as various speakers at the Forum demonstrated in October, there is a genuine will within parts of the UN system, at least, to look hard at its own role and effectiveness. Whether that will can find a foothold in the increasingly fraught negotiations now underway is a separate question entirely.

Stephen Humphreys

The LSE Lawyers' Alumni Group comprises alumni of the School who studied law at LSE and/or practice or have an interest in law having studied another subject at LSE. The group provides a forum for discussion at a variety of events throughout the year, offers opportunities for professional networking and encourages active alumni support for the School. The current Lawyers' Alumni Group Committee was formed in October 2008 and comprises Gauri Kasbekar-Shah (LLB 1999) (chair), Mona Jain (LLB 1999), Sung-Hyui Park (LLB 2005) and Shilpen Savani (LLB 1993).

The Committee has organised a number of events for alumni and current students, including the sell-out Annual Dinner, sponsored by Allen & Overy, on 2 March 2010. Over 100 Law alumni, staff, students and prize winners came back to the School a drinks reception and excellent three-course meal. The evening was started by speeches from Gauri Kasbekar-Shah (LLB 1999) and Patrick Mears (LLB 1979) who is a Partner at Allen & Overy. The guest speaker was Rt Hon Lord Justice Robin Jacob (LLB 1967) who spoke about how teaching of law has changed over the years, as well as giving advice to our recent graduates, current students and prize winners for their future careers. Robin is also one of the founding members of the Lawyers' Alumni Group and we were honoured that he could be with us for the group's main event of the year.

The second highlight of the year was the Summer Drinks event on 22 June 2010

where Law alumni, staff and students came together to celebrate the end of the students' exams and take advantage of the excellent opportunity to network. Everyone was keen to hear from our guest speaker, LSE Director Howard Davies, who gave an update on developments around the School. He also spoke about the current and future challenges the School faces as a global institution in the financial climate.

To bring the successful year to a close the Committee arranged for London Walks to organise a Legal Walk for the Law alumni on 28 July 2010. The group took a guided tour of the legal sites of London, including the Inns of Court, the Royal Courts of Justice, Bell Yard and Ede and Ravenscroft before drinks at the Three Tuns.

The Committee would like to take this opportunity to thank former Committee member, Vinod Joseph (LLM 2003), who has recently relocated to India. He has been an integral part of the Committee since 2008 and his enthusiasm and dedication to the group will be missed.

The Lawyers' Alumni Group Committee are keen to hear from alumni who are interested in becoming part of the volunteer committee. If you would like to receive further information about a position on the Committee, or have suggestions for future events, please get in touch with Sarah Savage (s.g.savage@lse.ac.uk) in the Alumni Relations team.



PRO-BONO WORK

In 2009-2010, LSE's LLB students took part in a wide variety of pro bono activities. The Department has long-standing links with three law clinics across London run by Addleshaw Goddard, DLA Piper and Clifford Chance. This year 24 students participated in these 'drop-in' advice sessions on a rota basis. Students helping at the clinics get involved in a wide range of activities including sitting in on lawyers' interviews with clients, taking minutes, conducting follow-up research and producing draft correspondence. The clinics are very popular with students, who really value the opportunity to work alongside qualified lawyers to help members of the public who are sometimes in great need. A student volunteer wrote of her experiences at one of the clinics:

we were given the opportunity to witness the application of textbook legal knowledge in realistic everyday scenarios... We familiarised ourselves with materials such as government regulation on employment relationship and dismissal, debt collector's power and responsibilities, legal aid eligibility and small claims disputes, amongst other issues. All of our participating students are very eager to engage themselves with this rare outside curriculum learning experience at the evening clinics.

Students also initiated new pro bono schemes this year, most notably setting up a Streetlaw scheme, whereby students give presentations on legal topics to schools and other community groups. Having liaised with well-established Streetlaw schemes in other universities, LSE students gave some of their first presentations this year, including to school groups on topics such as dispute resolution and criminal law. The LLB pro bono representative also organised successful fundraising activities for the Bar's pro bono unit this year and attended a pro bono conference in the autumn. Forthcoming pro bono initiatives which were set up by the LLB representative in 2009-2010, working with LSE's volunteer centre and the Law Department, included a law student volunteer day, which will be run in 2010-2011 in conjunction with a City law firm.

Jo Braithwaite

PhD completions

The following have been awarded the PhD since the last issue of *Ratio* was published; we congratulate them on this impressive achievement.

Ely Aharonson

The Role of 'Pro-Black' Criminalization Policy in Enabling and Constraining the Mobilization of Equalitarian Racial Reform, US 1669-2008

Supervisors: Professor Robert Reiner and Professor Nicola Lacey

Matthias Boizard

'The Sell-Out Right as an Agency Control Mechanism'

Supervisor: Professor Paul Davies

Alan Brady

'A Structural, Institutionally Sensitive Model of Proportionality and Deference Under the Human Rights Act 1998'

Supervisor: Professor Conor Gearty and Dr Manolis Melissaris

Reza Djojosingito

'The Role of Project Financing in Promoting Transfer of Technology (for the Microelectronic Industry in Indonesia)'

Supervisor: Sir Ross Cranston QC FBA

Elizabeth Franey

'Immunity, Individuals and International Law. Which Individuals are Immune from the Jurisdiction of National Courts under International Law?'

Supervisor: Professor Christopher Greenwood and Dr Chaloka Beyani

Debbie De Girolamo

'The Fugitive Identity of Mediation: Negotiations, Shift Changes and Allusionary Action.'

Supervisors: Professor Simon Roberts and Professor Mike Redmayne

Panagiotis Kapotas

'Positive action as a means to achieve full and effective equality in Europe.'

Supervisor: Professor Hugh Collins and Dr Thomas Poole

Demetra Pappas

'The Politics of Euthanasia and Assisted Suicide: A Comparative Case Study of Emerging Criminal Law and the Criminal Trials of Jack "Dr Death" Kevorkian.'

Supervisors: Professor Robert Reiner and Professor Paul Rock

Heba Shahein

'The Development of Competition Law and Policy in Egypt: National and International Factors'

Supervisor: Mr Giorgio Monti and Dr Andrew Scott



2010 Chorley Lecture

Professor Andrew Ashworth, Vinerian Professor of English Law at All Souls College, Oxford, and former LLB student at LSE (1968), delivered last summer's Chorley Lecture, hosted by *The Modern Law Review*. Every law student knows the adage 'Ignorance of the law is no defence', both perhaps in the context of learning criminal law and of hearing tutors' feedback on examination performance. Professor Ashworth subjected this hallowed principle of criminal law to forensic examination and criticism. In his lecture he argued that it was a preposterous doctrine, resting on insecure foundations within the criminal law and on questionable propositions about the political obligations of individuals and of the State. As one of many examples, he instanced the case *Thomas* (2006) involving a conviction under the Sexual Offences Act 2003, a statute whose first 71 sections all created new offences. In this case, a man who had been a foster parent of a girl had sexual relations with her after she had left his home when she was seventeen years old. Although the general age of consent is 16, section 25 raises the age of consent to 18 within 'family relationships', a term which includes foster parents. The defendant was convicted, but accepting that he had been ignorant of this new law, the Court of Appeal reduced his sentence from four to two-and-a-half years. With respect to this case, Professor Ashworth asked whether the State had done enough to communicate the new law and whether it was fair to convict a person of a serious criminal offence when he was genuinely and perhaps reasonably

ignorant of the legal position. In the course of his lecture, he cited many other examples of possible unjust convictions of persons who were reasonably ignorant of the law. That same Sexual Offences Act, for instance, apparently criminalises all kissing and sexual touching between children under the age of 16, a legal position that is surely not widely known at teenagers' parties. The safeguard here is that the prosecuting authorities are supposed only to act where there is evidence of exploitation or abuse, but, as Professor Ashworth observed, this position where criminality depends on prosecutorial discretion hardly accords with the principles of the Rule of Law. His proposal for reform of the law is to introduce a general defence of reasonable or excusable ignorance of the law, which should be combined with more positive duties placed upon public authorities, including schools, to communicate the law of the land to its citizens. This controversial proposal was further discussed over a dinner for the speaker and guests afterwards, when Professor Ashworth found himself unexpectedly having to defend his arguments against points raised by a sceptical full bench of Lord Justices of the Court of Appeal, Criminal Division. There could be no doubt on this occasion of the impact of legal scholarship. The full text of the lecture will be published in the January 2011 issue of *The Modern Law Review* and will also be freely available on line at: www.modernlawreview.co.uk/chorley.asp

Hugh Collins



Law Department Prizes

LLB Prizes 2009-10	Intermediate	John Griffith Prize	<i>Yi Jun Kang</i>
		Hughes Parry Prize	<i>Shi Min Lee</i>
		Blackstone Chambers Prize for Public Law	<i>Yi Jun Kang</i>
	Part I and II	Lovells Prize in Obligations & Property I	<i>Liam Loan Lack</i>
		Dechert Prize, Property I	<i>David Dwyer</i>
		Dechert Prize Introduction to the Legal System	<i>Sarah Trotter</i>
		Routledge Cavendish Award	<i>Riaz Pirmohamed</i>
		Sweet & Maxwell Law Prize	<i>Liam Loan Lack</i>
		Slaughter & May Prize for Best exam Performance in Part I	<i>Mohsen Ameer</i>
		Herbert Smith Prize for Best performance Part I	<i>Richard Hanstock</i>
		Morris Finer Memorial Prize for Best performance in Part I	<i>Alessandra Crawford</i>
		Slaughter & May Prize for Best Overall Performance	<i>Samay Shah</i>
		Slaughter & May Prize for Best Performance in Part II	<i>Krishnan Patel</i>
		Sweet & Maxwell Law Prize	<i>Carolina Bracken</i>
		Rouse legal Prize in IT Law	<i>Charmaine Tam</i>
		Lovells Prize in Business Associations	<i>Grace Cheng</i>
		Blackstone Chambers Prize in Law and Institutions of the EU	<i>Mohsen Ameer</i>
	Clifford Chance Prize in Property II	<i>Sally Zhu and Alim Amershi</i>	

LLB Prizes 2009-10	Part I and II	Linklaters Prize for Commercial Contracts	<i>Alim Amershi</i>
		Lauterpacht/Higgins Prize in Public International Law	<i>Mohsen Ameer</i>
		Lecturers Prize in Jurisprudence	<i>Samay Shah</i>
		Bracher Rawlins	<i>Glen Barlow</i>

LLM Prizes 2009-10	Lauterpacht/Higgins Best performance in Public International Law	
	1 Essex Court Prize for Finance Law	<i>Christoph Friedrich Eike Keller and Lindsey Adair Greer (split prize)</i>
	1 Essex Court Prize for International Business Law	<i>Catherine Simard</i>
	1 Essex Court Prize for Corporate Law	<i>Conor Joseph Redmond</i>
	Blackstone Chambers Prize in Commercial Law	<i>Duncan Alan Ronald Henderson</i>
	Blackstone Chambers Prize in Public International Law	<i>Fathima Mehnaz Yoosuf</i>
	Goldstone Prize for Criminology	<i>Rosie Harriet Brighthouse</i>
	11 Kings Bench Walk Prize, Corporate and Securities Law	<i>Roberto De Simone</i>
	11 Kings Bench Walk Prize, Human Rights Law	<i>Mitsuru Namba</i>
	Stanley De Smith Prize in Public Law	<i>Sam Andrew Trowbridge</i>
	Otto Kahn Freund Prize, European Law	<i>Annick Schaeken</i>
	Pump Court Prize, Taxation	<i>Joanne Hwee Hoon Lim</i>
	Rouse Prize, IT Law	<i>Jose Pereyo</i>
	Law Department Prize for Best Dissertation	<i>Yegor Vasylyev</i>
	Law Department Prize for Legal Theory	<i>Emily Betts</i>
	Law Department Prize for Best Overall mark	<i>Catherine Simard</i>



The Rights' Future



The Rights' Future explores the history, development and current success of the human rights ideal, with all the dangers and compromises that such success has brought. It argues for a particular human rights story, one that rescues the radical activists and the egalitarians from the footnotes to which they are often relegated in the standard accounts. Whatever about its origins in early capitalism, the book argues that the concept of human rights is best understood today as a fundamentally progressive ideal in a world which has precious few ethical resources to hand. Building on earlier scholarly work, I propose that the term is now best seen as standing for three central ideas: respect for the dignity of each and every one of us; belief in accountability to an independent rule of law; and commitment to community self-government. Underpinning all of these is a strong sense of the equality of all. Human rights redeliver ethics to a Global North that is fast losing its sense of purpose in a post-socialist, post-religious haze of market supremacy, while also effectively connecting the North to the energetic radicalism of the Global South (itself often articulated in rights terms) and to the better parts of the world's religious faiths.

The only contemporary idea with true universal and potentially progressive appeal, human rights is too important a term to leave to the liberals, the market-slaves or to the neo-conservatives. These are the various forces that have at some point or other sought to colonise the term and I am very critical of their efforts to do so in the course of the book. As this dimension to the book shows, there is an historical as well as a forward looking aspect to the work: I track the unfolding of the language of human rights through time as well as setting down pointers for the phrase's deployment in the future. There is some doom along the lines of imagining a world without human rights, or with spurious human rights, but also a great deal of hope in the form of the potential that human rights offer for an ethical engagement with the world leading to a fuller life for all – human rights as the ethical architecture necessary to a decent everyday life.

The culmination of the project will see a presentation at the LSE's *Space For Thought* Literary Festival in February 2011. This will be a round up of the ideas and themes which have been discussed on the site.

Conor Gearty

JOHN GRIFFITH, 1918-2010: A COMMEMORATIVE MEETING

On Wednesday 22 September 2010, the LSE Law Department hosted an evening event in the Shaw Library to celebrate the life, work and achievements of John Griffith, Emeritus Professor of Public Law. John, who died on 8 May 2010 at the age of 91, was both a student at the School (1937-1940) and also taught here from 1948 till his retirement in 1984. By any reckoning, he was a major figure in public law scholarship and in the history of the School.

Our objective in organising the event was to gather contributions from across the broad range of John's career, work and interests. This was a challenging task, since it involved gathering short speeches from a large number of contributors. These included Michael Zander (convener of the Department at the time of John's retirement), Carol Harlow (a successor in the public law chair), Tom Bower (the biographer and a former student), Robert Blackburn (a former student, professor at King's and editor of *Griffith & Ryle on Parliament*), Judith Chernaik (friend of John's and organiser of *Poems on the Underground*), Colwyn Williamson (from the Council for Academic Freedom and Standards), Richard Kuper (former student from the 68ers), and Mike Post (from the Marlow Group, where John lived, who spoke on John's involvement in local campaigning). Although John's wife, Barbara, and daughter, Sarah, were unable to join us, we were especially pleased also to have contributions from his two sons, Adam and Ben.

We were joined for this occasion by a large group of former colleagues, students and friends of JAGG. The fact that so many came along, over a quarter of a century after his retirement, is indicative of the esteem in which he was held, and the mark that he made. Those wishing to find more extensive accounts of John Griffith's achievements may consult his obituaries in *The Guardian*, 25 May: www.guardian.co.uk/education/2010/may/25/john-griffith-obituary and *The Times*, 19 May: www.timesonline.co.uk/tol/comment/obituaries/article7130873.ece

A more extensive academic appraisal is offered in: 'John Griffith: Ave atque Vale' (2010) *Public Law* 643-654.

Martin Loughlin



Staff News

Appointments and awards

Dr Chaloka Beyani and **Professor Susan Marks** have been asked to serve as members of the Foreign Secretary's Advisory Group on Human Rights. The Group has been established to give the UK government the best possible information about human rights challenges; and for the Foreign Office to benefit from outside advice on the conduct of its policy. It met for the first time on 2 December 2010.

Dr Chaloka Beyani, Senior Lecturer in International Law in the Law Department, was appointed in October by the United Nations Human Rights Council to serve as the United Nations Special Rapporteur / Independent Expert on the Human Rights of Internally Displaced Persons.

Congratulations to:

Professor Neil Duxbury and **Professor Conor Gearty**, who have both been elected as Fellows of the British Academy

Visiting **Professor Ken Macdonald QC**, who was made a life peer in the Dissolution Honours

Professor Sarah Worthington and **Carol Harlow QC**, who have both been appointed Academic Benchers of their Inn of Court, the Middle Temple

Professor Sarah Worthington, who was appointed as one of five Queen's Counsel honoris causa (honorary silk) by HM The Queen, and who has also been appointed as a new independent academic member to the Arts and Humanities Research Council's governing body

Emeritus Professor Michael Zander, QC, who has received an Honorary Doctorate of Laws from King's College, London.

Professorial Research Fellow **Francesca Klug** was awarded the Political Quarterly Bernard Crick Prize for best essay. The award is for her essay *Solidity or Wind? What's on the Menu in the Bill of Rights Debate?* which was published in Political Quarterly in Autumn 2009. The essay analyses the factors behind the current debate on a British bill of rights and responsibilities. The title is drawn from George Orwell's 1946 essay, *Politics and the English Language*.

Promotions

David Kershaw has been promoted to Professor

Tom Poole has been promoted to Reader

Veerle Heyvaert, **Manolis Melissaris**, **Jan Kleinheisterkamp** and **Charlie Webb** have all been promoted to Senior Lectureships

New Arrivals

Centennial professors

Jan Paulsson, former partner of Freshfields and co-head of its International Arbitration and Public International Law groups.

Professor Martin Cave, former Professor at Warwick Business School and an expert in regulation.

Lecturers

Pablo Ibanez Colomo, obtained his Licence from Complutense in Madrid (1999), Maitrise from Paris-I (2001), DEA in European Law from Liege (2003), LLM from College of Europe (2004) and completed his doctorate (on European Communications Law and Technological Convergence) at the European University Institute. Pablo has taught and written extensively on competition law, which is his main teaching

responsibility with us.

Jan Komarek (a joint appointment between the Law Department and the European Institute) did his postgraduate work at Stockholm, Oxford and NYU and joined us from the post of legal secretary to the President of the Czech Constitutional Court. He has published widely in EU law in both Czech and English, most notably in the OJLS, CMLRev and ELRev.

Julie McCandless graduated from Queen's University Belfast with first class honours in 2002, obtained an LLM from Cornell in 2004, and has recently submitted her doctoral thesis (on assisted reproduction) at Keele University. From January 2009, she was a Lecturer in Law at Oxford Brookes University, where she taught in the areas of medical law, family law and obligations.

Philipp Paech completed his first and second state exams in Germany and obtained his PhD from University of Bonn in 2001. He was a senior officer at Unidroit in Rome from 2002-06, and since 2007 worked at the European Commission as national expert on financial markets law. At the same time, he was a Senior Research Fellow at the Institute for Law and Finance at the University of Frankfurt. He works mainly in the field of capital markets and securities.

Edmund-Philipp Schuster graduated with an LLM from Vienna in 2004, obtained an LLM from us in 2009 (receiving the prize for the best dissertation) and will be submitting his doctoral dissertation to Vienna in the next few months. Edmund has worked for the Austrian Takeover Commission (2006-08) and since last year has been working in the corporate law department of Baker & McKenzie. His teaching and research interests are in corporate law, especially takeovers.



Postdoctoral research fellows

Werner Haslehner completed his LLM at LSE in 2009, and was awarded a doctorate with distinction from the Johannes Kepler University in Linz. He joins us from JKU Linz, where he was an assistant professor at the Institute for Finance Law, Tax Law and Tax Policy.

Michael Kearney graduated with a LLM from University College Cork in 2002 and completed his PhD in international Law at the Irish Centre for Human Rights at the National University of Ireland, Galway. His most recent post is as a legal researcher at the Al-Haq Institute for Teaching and Training in Human Rights and International Humanitarian Law in Ramallah.

Farewells

We say farewell to **Professor Nicola Lacey**, who has taken up a Senior Research Fellowship at All Souls College, Oxford. **Dr Claire Kilpatrick** has been appointed to a chair in law at the European University Institute, and **Giorgio Monti** also accepted a position as Professor of European Competition Law at the European University Institute. **Florian Hoffmann** has become the Franz Haniel Chair for Public Policy at the Willy-Brandt School of Public Policy at the University of Erfurt in Germany. **Bob Simpson** retired in December, and **Joanna Benjamin** also retired from her post at LSE, with the status of Emeritus Professor.

Q&A WITH BETTINA BENDER (LLB 1991), PARTNER AT CM MURRAY LLP



What led you to study at LSE?

I found the slightly more radical, left leaning reputation appealing (I was young!).

What do you most remember from your time at the School?

I remember being part of a team from the International Relations Society organising a student trip to the then Soviet Union, with Gorbachev still at the helm; an amazing opportunity.

What have been the highlights of your career so far?

I spent a number of years working in the employment law departments of City and National law firms. I then joined my former boss from Fox Williams when in 2006 she set up a specialist employment and partnership law practice, CM Murray LLP – joining and growing our firm has been a real highlight.

How has what you learned at LSE influenced your career?

LSE brings together people from many different backgrounds, takes a global approach to issues and fosters critical intellectual debate. When working in the legal profession, particularly if you have an international client base, that background is invaluable.

Any advice for LSE students today?

I spent a number of years trying to work out what area of law suited me best and spent time (in very junior positions) at the BBC, Deutsche Bank and I also undertook some voluntary work for a law centre. I then started my Training Contract (which had been hard to come by, a recession was on). My first seat was in employment law; that was it, I had found my niche. My advice to anyone starting their legal career is to hold out for an area of the law you enjoy: you will spend most of your life at work; it may as well be interesting and fun.



New Books

Here are some of the new books published by members of the Department during the academic year 2009-2010. Details of all new books appear online, click **New Books** on the LSE Homepage, www.lse.ac.uk

Michael Bridge
The Sale of Goods
(Sweet and Maxwell: 2010)
8th edition



Damian Chalmers
European Union Law (with G Davies, G Monti) (Cambridge University Press: 2010)
2nd edition



Hugh Collins
Employment Law 2nd edn
(Oxford University Press: 2010)



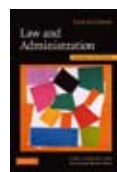
Conor Gearty
Debating Social Rights (with Virginia Mantouvalou) (Hart Publishing: 2010)



Carsten Gerner-Beuerle
Gore-Browne on EU Company Law (general editor)
(Jordans: 2010)



Carol Harlow
Law and Administration (with Richard Rawlings) (Cambridge University Press: 2009)
3rd edition



Trevor Hartley
The Foundations of European Union Law (Oxford University Press: 2010) 7th edition



Stephen Humphreys
Human Rights and Climate Change (Cambridge University Press: 2009) (Foreword by Mary Robinson)



Stephen Humphreys
heatre of the Rule of Law: Transnational Legal Intervention in Theory and Practice (Cambridge Studies in International and Comparative Law No.73: 2010)



Emily Jackson
Medical Law: Text, Cases and Materials (Oxford University Press, 2009) 2nd edition



Martin Loughlin
Foundations of Public Law (Oxford University Press: 2010)



Martin Loughlin
The Twilight of Constitutionalism? (ed. with Petra Dobner) (Oxford University Press: 2010)



Roger McCormick
Legal Risk in the Financial Markets (Oxford University Press: 2010)



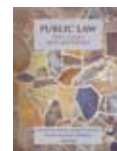
Niamh Moloney
How to Protect Investors. Lessons from the EC and the UK (Cambridge University Press: 2010)



Linda Mulcahy
Legal methods and Systems: Text and Materials (with Carl Stychin) (Sweet and Maxwell: 2010) 4th edition



Jo Murkens
Public Law – Text, Cases and Materials with A Le Sueur and M Sunkin) (Oxford University Press: 2010)



Andrew Murray
Information Technology Law: The Law and Society (Oxford University Press: 2010)



Jill Peay
Mental Health and Crime (Routledge: 2010)



Alain Pottage
A History of Modern Patent Law (with Brad Sherman) (Oxford University Press: 2010)



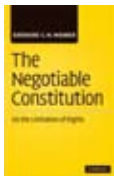
Mike Redmayne
The Criminal Process (with Andrew Ashworth) (Oxford University Press: 2010) 4th edition



Robert Reiner
The Politics of the Police (Oxford University Press: 2010) 4th edition



Grégoire Webber
The Negotiable Constitution: On the Limitation of Rights (Cambridge: Cambridge University Press, 2009)



Sarah Worthington
Equity and Property: Fact, Fantasy and Morals (Bruce McPherson Lectures, University of Queensland) (Queensland University Press: 2009)



Sarah Worthington
Sealy's Cases and Materials in Company Law (with Professor Len Sealy) (Oxford University Press: 2010) 9th edition



Q&A WITH GEMMA HOBcraft (LLM 2007), BARRISTER AT DOUGHTY STREET CHAMBERS



What led you to study at LSE?

I did not do law as an undergraduate and so after the conversion course and Bar Vocational Course I wanted the opportunity to study in greater depth the areas of law that particularly interested me: human rights law. I wanted to study in London and wanted to achieve an LLM in Human Rights Law. LSE was the obvious choice.

What do you most remember from your time at the School?

The Three Tuns! Putting the world to rights and getting to know a group of very talented and diverse student colleagues from all around the globe. The opportunity to attend fantastic and inspiring talks, year round was also very memorable.

How has what you learned at LSE influenced your career?

Enormously. I am a Barrister in a Chambers which is strongly human rights focussed in all that we do and therefore what I studied during my LLM has proven to be very useful in my day to day work – particularly the Mental Health Law course that I undertook.

What are your plans for the future?

To continue practising as a Barrister at Doughty Street Chambers and keep working on behalf of those individuals who tend to be most marginalised within society.

Any advice for LSE students today?

Enjoy your time at LSE. Choose the courses that most interest you, not those that you think will be most impressive to prospective employers. Take advantage of all the opportunities available to you. Enjoy London and all the student discounts (whilst they last!).



Forthcoming events:

LSE Department of Law Public Lecture Series Lent Term 2011

'A EUROPEAN CONTRACT LAW: A CUCKOO IN THE NEST?'

Speaker: Hugh Beale

Chair: Professor Linda Mulcahy
LSE Department of Law

Thursday 13 January 2011, 6.30pm-8pm
New Theatre, East Building, LSE

A European Commission consultation paper suggests a single, 'European' law of contract for businesses and consumers across Europe, which might supplant English law. Why?

Hugh Beale is Professor of Law at the University of Warwick. He was appointed Honorary QC in 2002 and a Fellow of the British Academy in 2004.



'THE CITY OF LONDON AND ITS TAX HAVEN EMPIRE'

Speaker: Nicholas Shaxson and
Maurice Glasman

Chair: Dr Ian Roxan, LSE Department of Law
Tuesday 1 February 2011, 6.30pm-8pm
Hong Kong Theatre, Clement House, LSE

The City of London is an offshore island inside the British nation state, floating partly free from the democratic rules and restraints that bind the rest of us. It is fed by a network of tax havens around the world. Just three of them – Jersey, Guernsey and the Isle of Man – alone funnel hundreds of billions of dollars to the City each year. But the City's global offshore network, which emerged from the ashes of the British Empire, is far larger than that. Nicholas Shaxson will look at how this secretive network emerged and came to underpin the City's fearsome political and economic powers today.

Nicholas Shaxson is an Associate Fellow of the Royal Institute of International Affairs (Chatham House) and a journalist for the *Financial Times* and *The Economist*.

Dr Maurice Glasman is Director of the Faith and Citizenship Programme at London Metropolitan University.



'THE GLOBALISATION OF THE BUSINESS OF ENGLISH LAW'

Speaker: Stuart Popham

Chair: Professor Michael Bridge
LSE Department of Law

Thursday 16 March 2011, 6.30pm-8pm
Hong Kong Theatre, Clement House, LSE

Stuart Popham will discuss many of the changes that he has seen in his 35 year career.

Stuart Popham is the Senior Partner of Clifford Chance LLP, worldwide.



THE 40TH ANNUAL MODERN LAW REVIEW CHORLEY LECTURE

Speaker: Justice Kate O'Regan

Chair: Professor Hugh Collins,
Editor of the Modern Law Review

Tuesday 14 June 2011, 6-7pm
Shaw Library, Old Building LSE

Tickets: Free to attend with no RSVP required

Kate O'Regan is Chair of the Internal Justice Council of the United Nations and was formerly a judge in the Constitutional Court of South Africa

If you wish to receive a monthly, e-alert of forthcoming events at LSE and of news about the Law Department, please register your details by visiting the Department's website:

lse.ac.uk/law

Editor: Joy Whyte

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