

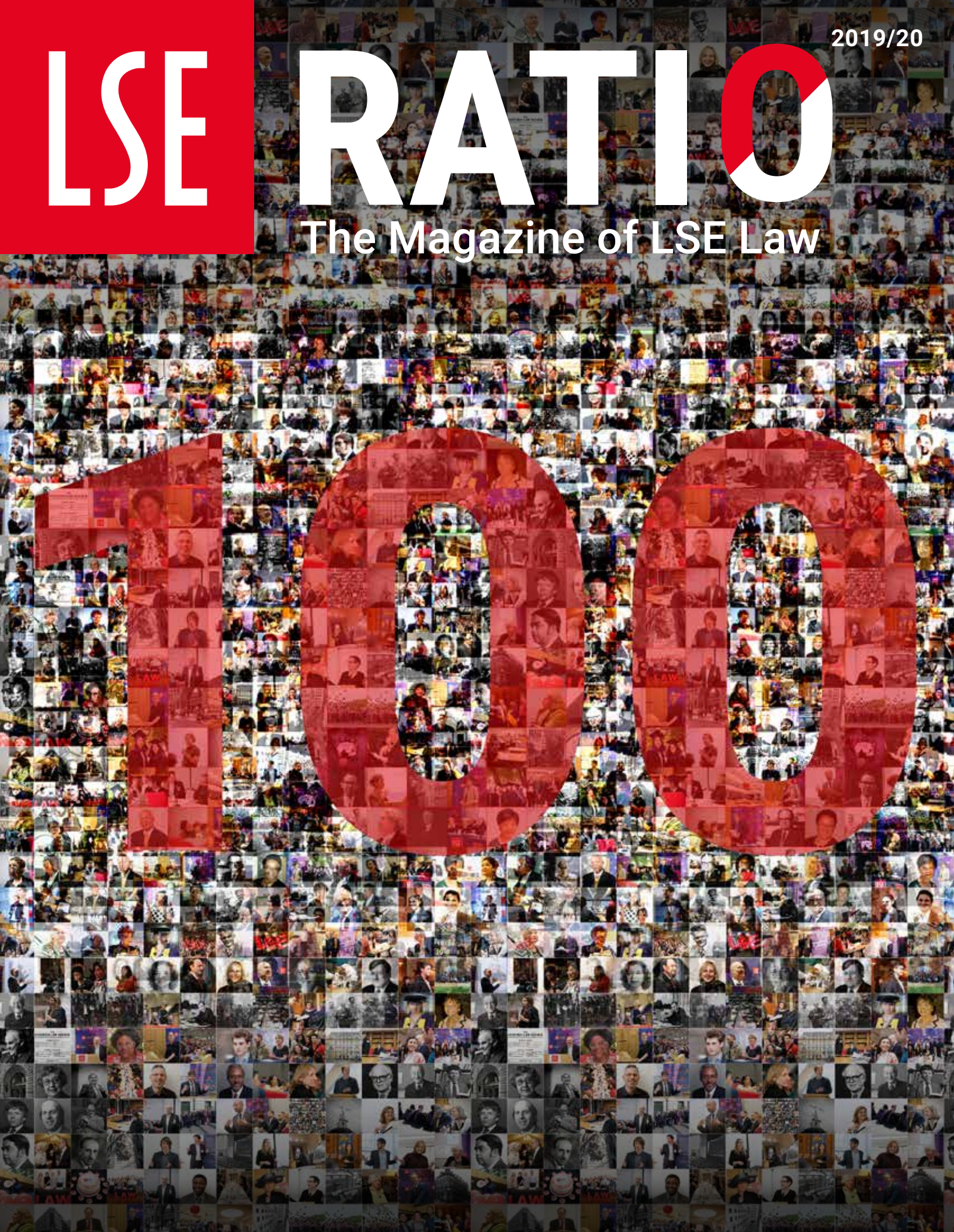
2019/20

LSE

RATIO

The Magazine of LSE Law

100



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LSE Ratio is published by LSE Law at the London School of Economics and Political Science, Houghton Street, London WC2A 2AE. Tel: +44 (0)20 7955 7688
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LSE Law 100: Celebrating a Centenary

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2019 marks the centenary of the appointment of LSE's first Law Professor, H C Gutteridge, as the Sir Ernest Cassel Professor of Industrial and Commercial Law. This was the first step in the establishment of the Department of Law at LSE. The academic year 2018/19 marked a year of celebrations of the centenary of this landmark. Professor Sir Ross Cranston, who succeeded to the Cassel Chair in Commercial Law in 1991, together with Simone Davies, has been active in compiling a collection of short biographies of distinguished former students and staff and an interactive timeline of the history of LSE Law, which can be found at <http://www.lse.ac.uk/law/centenary>. His "very short history" of law at LSE is transcribed below.

For over a century LSE has pioneered legal education and scholarship as a central part of its mission. But this was law as a practical discipline – the rules and methods by which society and economy are regulated – informed by the social sciences. The contrast with the Oxbridge tradition was stark, with its focus on studying leading cases to the exclusion of legislation. LSE ventured to differ, and it is for this reason that it came to play an important role in developing the academic study of such subjects as commercial law, labour law, tax

law, family law, human rights law and public law. A concern with legislation was driven by deeper theoretical and political motivations. As Professor Sir Otto Kahn-Freund explained in a lecture in 1972, the reason for the development of new subjects at LSE was because its scholars were promoting "a conception of law as a social technique", a process that illustrated "the unfolding of the functional treatment of the law". Driven by an agenda that inquired into the social forces that made the law and the formative effect that law has on society, LSE scholars were more interested in normal workings than pathological instances, on the everyday rather than the aberrational, and on the general operation of public policy rather than a limited focus on judicial processes.

Law teaching began when the School was founded in 1895. It was part-time and in the evening. From 1906 it was taught on an inter-collegiate basis with UCL and King's College London. Subjects LSE offered fitted with the ethos of the School and included Industrial and Commercial Law, The Law in relation to the Exchange and Distribution of Wealth, Modern Constitutions, and International Law with special reference to Africa. Subjects were taught to non-law students, and often co-taught with those from other disciplines. Among those teaching were R A Wright (later Lord Wright, a judge in the House of Lords), A V Dicey, Vinerian Professor of English Law at Oxford, and Dr L F L Oppenheim (author of International Law).

The School became a more professional operation in 1919 with the appointment as director of William Beveridge

(now associated with the “Beveridge Report”, important for Britain’s post-World War II welfare state). In his memoir, Beveridge recalls his view that the School had to be one for all the social sciences, and that his “first practical inference from this lay in strengthening greatly its legal side.” The first step was the appointment in 1919 of H C Gutteridge as the first Sir Ernest Cassel Professor of Industrial and Commercial Law. Cassel was a financier and philanthropist, who had given money to the School. In 1924 Gutteridge became dean of the Faculty of Laws in the University of London. He oversaw the changes in law at the School in the 1920s, with day-time teaching and the appointment of full-time academics, who were expected to spend their time on academic work. One of them was Henry Slessor, who taught industrial (labour) law, later to become an MP and Solicitor-General in the first Labour government.

By the 1930s, the Department of Law had four professors, two readers and four lecturers - the largest law department in the University of London. David Hughes Parry had arrived as a lecturer in 1924 from Aberystwyth and in 1930 became the Professor of English Law, a Chair he held until 1959. He became the driving force in law at the School and by the 1950s had built up a powerful department. Theo Chorley succeeded Gutteridge to the Cassel chair in 1930, and in 1937 became the founding general editor of the *Modern Law Review*, which remains firmly rooted in the School to this day. The Review’s manifesto, set out in the opening pages, was that while the study of the technical aspects of law remained indispensable, law could not be isolated from the contemporary social conditions in which it operated. Arnold McNair and Robert Jennings, both later presidents of the International Court of Justice, had stints teaching at the School.

The wider approach to law was evident in the subjects offered at the School in the interwar period, which were both conventional and innovative. On the one hand, there was Commercial Law, International Law, English Property Law, General Principles of the Law of Contract, The Law of Torts, and (combined) Criminal Law, Legal System and Constitutional Law. But there was also Philosophy of International Law, Civilisation and the Growth of Law and Principles and Practice of Justice in England. Some of these were offered from other Departments in the School (just as in turn the law department taught non-law students). From the 1920s W A Robson, the leading force behind a new area of administrative law, did this as a lecturer, reader and ultimately professor in public administration. Hersch Lauterpacht, later a judge on the International Court of Justice, was first appointed in 1927 in the Department of International Relations, before later moving with his international law subjects to the Department of Law.

It was from the 1950s that the law department really came into its own. The student body grew. In the 1920s and

1930s, the numbers had rarely exceeded low double figures. By the late 1940s, there were over a hundred LLB students; by the early 1950s, one hundred and fifty (about 10 per cent women). The LLM, which had begun in a small way in the interwar period, started attracting greater numbers. There was the occasional doctoral student. The School’s contextual approach was consolidated.

That wider approach to legal studies had benefitted from the influx in the 1930s of German-Jewish jurists. Eminent among them was Otto Kahn-Freund, who began as an assistant lecturer in 1936 and spent almost thirty years at the School. He is credited with establishing labour law as a separate discipline in this country, but he also did much to promote family law as a legal subject. Although not in the law department, Hermann Mannheim’s appointment as a lecturer, and later reader in criminology – there was no equivalent post elsewhere in Britain at the time – provided the foundation stone for a discipline which blossomed both in the law department and elsewhere in the School (from 1990, in the Mannheim Centre).

Jim Gower’s inaugural lecture in 1949 as the Cassel Professor was a blast against what he characterised as the comparative complacency in English legal training, but also an argument for the LSE tradition in LLB teaching – legal principles to be taught against the background of their underlying history and purposes. Gower went on to establish company law as a subject worthy of academic study in his *Principles of Modern Company Law*, still published today under the editorship of a later Cassel Professor, Paul Davies and another former member of the Department of Law, Sarah Worthington. So too with De Smith’s *Judicial Review*, in its seventh edition in 2016, first published in 1959 as *Judicial Review of Administrative Action* and based on an LSE PhD thesis. De Smith had followed (with a gap) Glanville Williams as Professor of Public Law, although Williams was to become better known for his scholarship in criminal law and torts than in public law. De Smith’s pioneering work continued the School’s powerful tradition in public law.

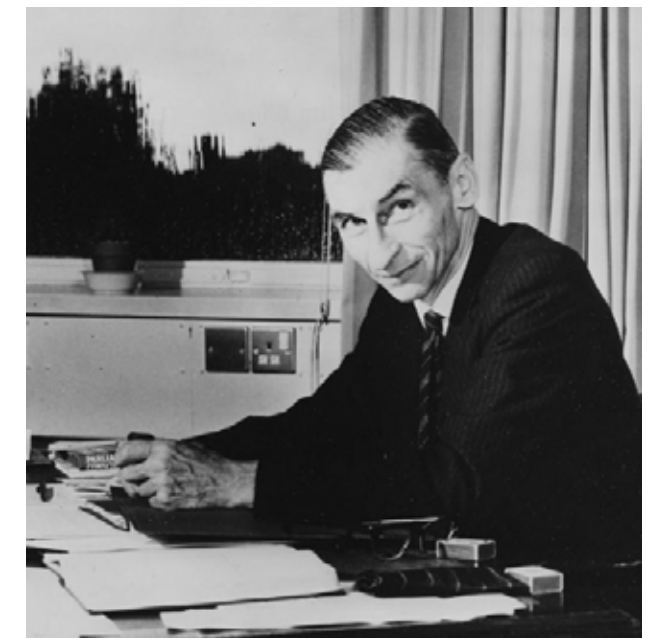
By the mid-sixties, the overall number of LLB students had surpassed the 200 mark, and the number crept up in the following years. Academic members of the Department built on and extended existing strengths: John Griffith in public law, Olive Stone in family law, David Johnson in international law and Toby Milsom in legal history. The School also provided firm foundations for subjects such as Bill Wedderburn’s *Labour Law*, George Wheatcroft’s *Taxation Law* and Cedric Thornberry’s *Human Rights Law*. By the mid-eighties, more women than men were studying the LLB at the School.

Innovation and expansion continued in the last decades of the 20th century. Always international in character, especially at the postgraduate level, the student body



contributed to the breadth and outlook of the Department. Academically, Michael Zander placed access to justice and legal services firmly on the academic and public agenda; Bill Cornish as Professor of English law built up intellectual property law and unjust enrichment; Carol Harlow (and Richard Rawlings) launched their well-known “red” and “green” light approach to the relationship of the courts and government; Trevor Hartley established popular courses in International Business Transactions; Rosalyn Higgins made human rights law central to the Department’s wide range of international law offerings; and Simon Roberts lead a joint degree in law and anthropology. In different ways, these new areas lent themselves to the School’s traditions of a critical, contextual and international approach. These themes of LSE law continue to the present day.

Sources: Richard Rawlings (ed), *Law, Society and Economy*, Oxford, Oxford University Press, 1997 (chapters by Rawlings, Cranston & Higgins); Ralf Dahrendorf, *LSE : A History of the London School of Economics and Political Science, 1895-1995*, Oxford, Oxford University Press, 1995; O Kahn-Freund, ‘The Legal Framework of Society’ in W.A. Robson (ed.), *Man and the Social Sciences* (London: Allen & Unwin, 1972); LSE Calendars and Archives.



A Minute in the mind of Professor Gerry Simpson

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In conversation with Dr Paul MacMahon, Assistant Professor of Law

PM: What are you working on at the moment?

GS: One project is on the Cold War and international law. I think the mixture of technology, strategic confrontation, and existential doom really drew me to the topic. I'm working with a couple of colleagues to try to establish that an international law actually existed during the Cold War, and that you can't really understand the Cold War without understanding the legal mechanisms it brought into play. International law gave us a language for understanding things like nuclear weapons, the global south, Antarctica, and space.

Have international lawyers neglected the Cold War?

Lawyers didn't seem to want to explore the Cold War closely. They'd often answer questions by diverting to this thing called the Cold War, but they never told us what they meant by it. And there seemed to be very little awareness that international law might have brought the Cold War into being, quite literally – with all the agreements in the 1940s – but also in a more metaphorical sense. My main interest in the Cold War at the moment is in nuclearism.

It might seem that the threat of annihilation by nuclear weapons is the antithesis of law.

Yes, but in fact the way we talked about nuclear weapons was quite heavily legalised. We talked about them in the language of self-defence, or threats to use force, or proportionality, or discrimination. The possession and use of nuclear weapons was juridified through various treaties. The treaties proliferated, even if the weapons didn't.

What else are you working on?

I'm writing a book called *The Sentimental Life of International Law*. It's an attempt to extend a literary sensibility to the field. One chapter uses the idea of bathos as a literary device. We often have a feeling of disappointment or anti-climax when we try to apply international law to things like war crimes or the Holocaust or nuclearism. Sometimes international law just feels incommensurate to the subject at hand.

Another chapter is about friendship in international law. We usually associate international law with enmity or with neutrality. But can states be friends? The whole book does that sort of thing. It puts into relation concepts you wouldn't usually consider together: a kind of international law bricolage.

What drew you to international law in the first place?

In one way it was a series of accidents. I just kept meeting people who were interested in the subject. But I guess it goes back to growing up near a Cold War site: a nuclear power station in the north of Scotland. The adults around me were always talking about this thing called the 'IAEA.' I had no idea what it was, but it turned out to be the International Atomic Energy Agency. There was also a NATO base nearby. My childhood was administered through international law! And international law is one of those subjects you can do a lot with – I think that's what I like about it. It's just so plastic. Its lack of concreteness may work to its disadvantage as a credible force for social change, but it works to its advantage as an intellectual project.

This is your second stint at the LSE—you must be fond of the place.

It's just such a pleasure to teach successive generations of extraordinary students at the LSE. My LLM classes have been formative in the way I think about the Cold War, for example, or war crimes. And there's something special, almost magical, about the large lectures in the LLB. When some major event has taken place and we're exploring its legality or illegality, I really feel as if we're at the centre of it.

That's all we have time for. Thank you for such fascinating insights!

My pleasure. Thank you, Paul!



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From the Caribbean to the classroom: Laura-Ann Royal's drive to bring greater diversity and support to LLB students

Words by Emily Boyle

One of Laura-Ann Royal's major "life goals" is to attend every single Caribbean Carnival celebration. From Trinidad and Tobago, Barbados and Jamaica, Laura-Ann wants to "live it up" amongst the colourful costumes, the lively music, and dancing, all things synonymous with Caribbean Carnival – a series of festivals and parades that take place in Caribbean island cities, and many other cities across the world, throughout the year.

For now though, when we meet on a rather grey and cloudy day in London, Laura-Ann has her sights set on tasks slightly closer to home: finishing an essay on social media marketing and the law and her last exam for the year. Because, as well as being an integral part of the LLB Bachelor of Laws programme team, Laura-Ann is halfway through her own LLM Master of Laws at LSE.

When asked how she balances the demands of her job with the demands of an LLM Laura-Ann laughs, gives a slight groan, and then laughs again – a reaction anyone who has juggled the up and down stress of fulltime work and study can relate to.

"In theory I thought, 'this will be fantastic.' Working and studying at LSE, what an absolute, genius idea," she laughs again.

"The reality has been a lot harder, especially as I've taken on more responsibility in my role with the LLB programme, and as we've introduced new ways of doing things, like expanding the alternative assessment arrangements for students, this year."

These extra responsibilities have forced Laura-Ann to become "a lot more organised" with how she manages her time day-to-day. She studies most weekends and completes her reading during her commute.

"I've also developed a recent obsession with going to the gym before work – it's a cliché I know but it is fun and I've found it a great way to relieve stress," she said.

Completing her LLB at Aston University in Birmingham, Laura-Ann worked at the online marketplace Wowcher, then as an auditor with car company Renault-Nissan, before joining the Law Department in 2018.

"I worked as an auditor for a year and a half before I decided to try for a job in higher education. I'd always loved uni. I had a fantastic university experience at Aston for my LLB so I thought, why not try going back to uni without 'going back to uni,'" she said.

What do you like most about your work with the LLB programme?

"Interacting with the students is seriously my favourite part of my job. Putting on events like Wellbeing Week, which we introduced in the second term I was at LSE was really fun and the fact that it has remained in the calendar every Lent term since is a great thing to be a part of."

Finding new and different ways to engage with LLB students throughout the year is an important part of Laura-Ann's role. Providing obvious social benefits, organised activities can help students, first-years in particular, find new friends and build a sense of a community within their cohort and the Department as a whole.

"The Law Department is a really great department to be a part of. As is LSE. There really are so many opportunities available to both students and staff. I try to make the most of these, get involved in as much as I can and encourage LLB students to do the same," Laura-Ann said.

"I am part of a great team with amazing professional services staff and academics. I would like to thank everyone for being fantastic colleagues especially; Giuseppe Capillo, Dr Sonya Onwu and Dr Abenaa Owusu-Bempah."

In addition to her work and studies, Laura-Ann is also an active member of the LSE EmbRace, Network. LSE EmbRace is the staff network for Black, Asian and minority ethnicities (BAME). Laura-Ann volunteered as the Network's secretary when she first joined LSE and is now in the position of Marketing Officer, setting up and managing the Network's social media accounts on Facebook, Instagram and Twitter.



"We're here to build a supportive network for staff. We are open to all staff which includes people from minority groups, someone in a mixed race family or couple, or just friends and allies who want to learn more and do more to support minority groups and increase representation and diversity here at LSE," Laura-Ann explained.

What are some of the issues important to EmbRace at the moment?

"A big focus at the moment is the attainment gap for BAME students. What I am really passionate about though is student representation and supporting BAME students once they're here. There are things we can be doing as staff and that LSE can be doing as an organisation with its high profile that can help to improve the experience of BAME students overall," Laura-Ann said.

Feeling a pressure to assimilate and feeling isolated are two common problems Laura-Ann has come across in her work with students on the LLB programme.

"These feelings are not exclusive to BAME students either," she said.

"Home students can often feel isolated which is something that the law department is trying to address for our incoming first year students. We plan to implement a Welcome event for home students so they can meet people from similar backgrounds from their first weeks at university. This is especially helpful to those who are living off campus and commute into LSE.

"As staff, I think it's about providing students with support so they can learn and adjust as best they can to being part of a new, adult community," Laura-Ann explains.

"Coming to university is a big change, and especially in a city like London where there's so much going on and so many things happening at once, it can be overwhelming for some students. Learning to be part of a new community is an important part of the university experience. Whatever we can do to make students feel better supported and comfortable with these changes we should do."

Awards

The Department of Law is delighted to congratulate **Professor Niamh Moloney** for being awarded an Honorary Doctorate by the University of Zurich at its recent 2019 Dies Academicus in recognition of her work on EU financial regulation.

We are delighted to announce that **Dr Tatiana Flessas** received an Honorary Fellowship by Kent Law School where she will be attached to the Law School's Centre for Heritage. Congratulations go to **Professor Pablo Ibáñez Colomo** for winning a Global Competition Review Award in the category 2019 Academic/Advocacy Excellence Award.



Dr Margot Salomon was granted the prestigious award of the Francqui Belgian (European) Chair 2018/19 by the Francqui Foundation, in collaboration with the University of Antwerp Law Department. **Professor Niamh Moloney** was appointed to the Central Bank of Ireland Commission. **Professor Andrew Murray** has also been appointed as a member of the Law Society's LawTech Regulation Task Force.



Over the year, academic staff and PhD students from the Department won several accolades for their teaching. **Dr Jacco Bomhoff** was awarded this year's Department Teaching Prize. **Dr Andrew Summers** won the LSESU Teaching Excellence Award in the category of Mentoring and Personal Development. **Dr Chris O'Meara** and **Fatima Ahdash** won the LSE Class Teacher Award, with **Agnieszka Ason** and **MacKenzie Common** being highly commended. **Fatima Ahdash** also won the Department's Part-Time Teaching Award.

Rebecca Newman, our Postgraduate Programmes Administrator, was awarded Values in Practice EDI Champion in February 2019. The award was given in recognition of her contribution to the LSE Parents Network along with her Co-Chair Esti Sidley. **Alison Grant**, Faculty Affairs Officer, was nominated in the categories of Exceptional Team Member and Team of the Year for her work with the PSS Conference volunteers and with colleagues across the School. Congratulations!

Appointments

It has been announced that **Professor Andrew Murray** will be the next Deputy Head of Department, commencing in the academic year 2019/20, for a three-year term.

New arrivals

The Department of Law is delighted to announce that **Dr Jan Zglinksi** will be joining the Department as an Assistant Professor (EU Law) in September 2019. Dr Zglinksi is currently the Erich Brost Lecturer in German Law and EU Law at the University of Oxford and St Hilda's College. He is also affiliated with Oxford's Institute of European and Comparative Law.

Last year, we were thrilled to welcome **Dr Cressida Auckland**, who joined as an Assistant Professor in Medical Law.

The Department welcomed two Visiting Fellows in Lent Term 2019.

Dr David Murphy is a Senior Advisor at the Bank of England, and has written extensively on topics in financial risk management, derivatives and financial stability. **Professor Samuel Buell** is Bernard M. Fishman Professor of Law at Duke University. His teaching and research focus on criminal law and on the regulatory state, particularly the regulation of corporations and financial markets.

From September 2019, we welcome two LSE Fellows, **Valerie Verdoodt** and **Raffael Fasel**. Valerie is currently a post-doctoral researcher at the KU Leuven Centre for IT and IP Law. Her research focuses on legal issues arising from the development of new media and technology, including as regards the participation and protection of children online. Raffael joins us from Sidney Sussex College, Cambridge and his research interests are in legal theory in general and human and animal rights theory in particular.

Promotions

Congratulations to **Veerle Heyvaert** who has been promoted to Professor.



Dr Abenaa Owusu-Bempah has passed Interim Review and **Dr Insa Koch** has passed Major Review and is promoted to Associate Professor - congratulations to both of you!

Farewells

Professor Linda Mulcahy left for the University of Oxford, and we wish her all the best for her new role.

We bid farewell to **Dr Chris Thomas** who is moving to work with the UK Government Legal Department and the Department of International Trade and to **Dr Meredith Rossner** who has been appointed Professor of Criminology at the Australian National University (Canberra). Three LSE Fellows, **Dr Richard Martin**, **Mr Martin Bengtzen** and **Dr Dalia Palombo**, are also departing - we wish them good luck with their next steps.

Professional Services Staff

This year we welcomed **Laura Carseldine** – who replaced **Michele Sahrle** as Service Delivery Manager (Postgraduate Taught Programmes). In the same team, **Rachel West** joined the Department as a new Student Experience and Programme Delivery Officer.

We also welcomed **Emily Boyle** and **Anastasia Siapka** to their role as Communications and Events Officers. We are pleased to have **Michelle Henriksen** as a Department Administrator. Michelle has supported the LLM and ELLM programmes and, going forward, she is working across the LLB programme.

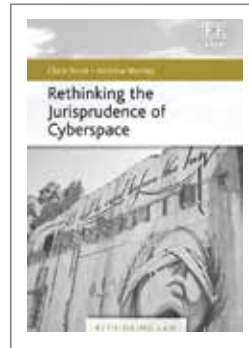
We look forward to welcoming **Megha Krishnakumar** as our new Undergraduate Student Adviser.

We bid farewell to **Gosia Brown**, **Simone Davies**, **Michele Sahrle**, and **Aycan Yasar**.

Welcome to those joining the Department and for those leaving we thank you for your hard work supporting your colleagues.

New Books

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Reed, Chris and Murray, Andrew (2018)

Rethinking the Jurisprudence of Cyberspace

Edward Elgar Publishing, Cheltenham, UK

ISBN 9781785364280



Koch, Insa Lee (2018)

Personalizing the State: An Anthropology of Law, Politics, and Welfare in Austerity Britain

Oxford University Press, Oxford, UK

ISBN 9780198807513

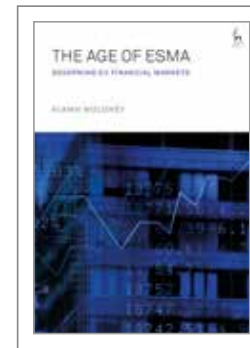


Heyvaert, Veerle (2018)

Transnational Environmental Regulation and Governance: Purpose, Strategies and Principles

Cambridge University Press, Cambridge, UK

ISBN 9781108415743

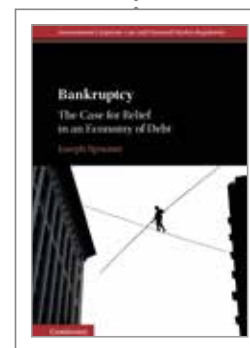


Moloney, Niamh (2018)

The Age of ESMA: Governing EU Financial Markets

Hart Publishing, Oxford, UK

ISBN 9781509921775



Spooner, Joseph (2019)

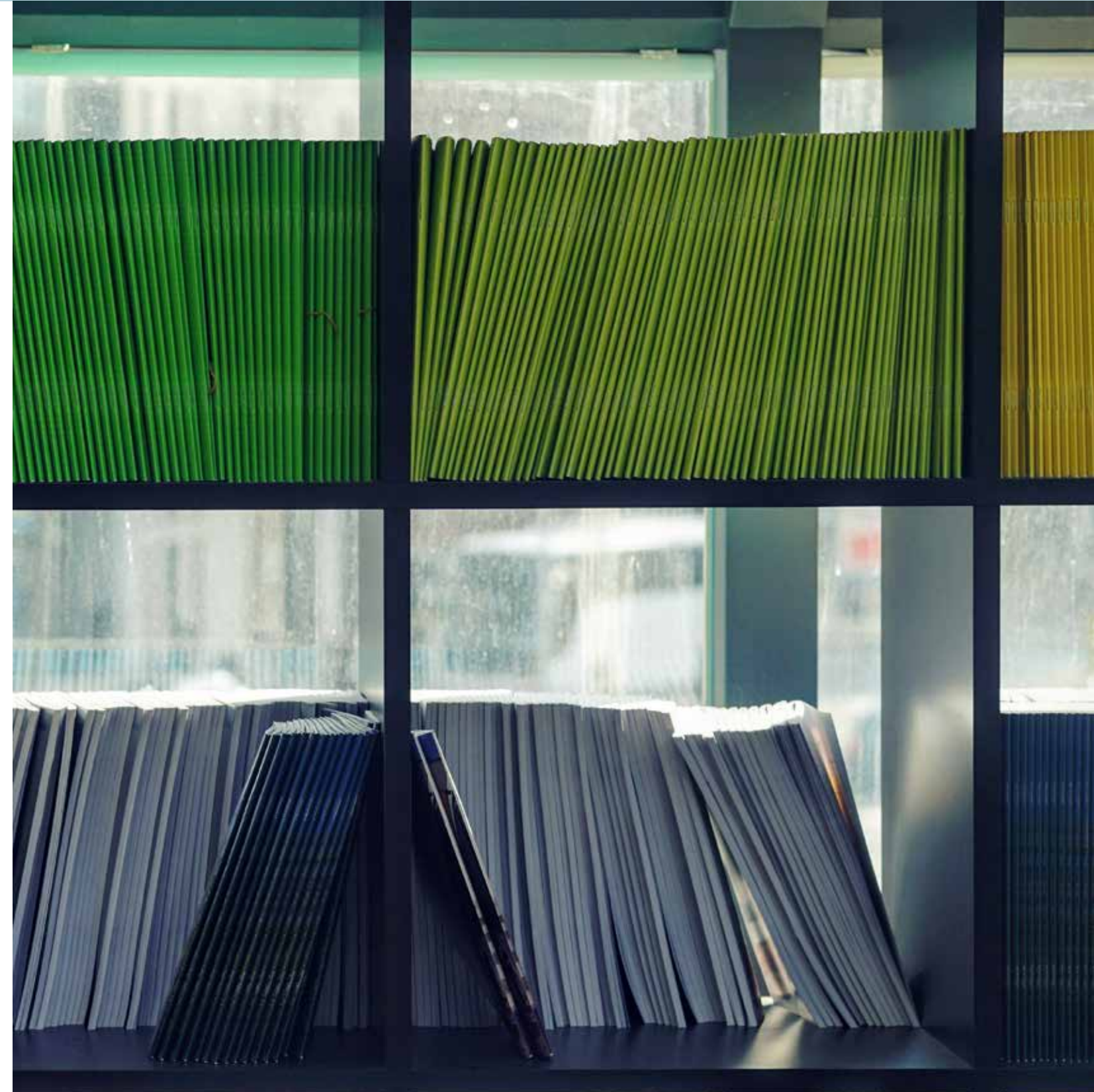
Bankruptcy: The Case for Relief in an Economy of Debt

Cambridge University Press, Cambridge, UK

ISBN 9781107166943

Books

13



Finding the 'write' words: How a student start-up is helping others with their university applications

Tosin Murana, 3rd year LLB student

The Start

I attended a state school in Gravesend after being kicked out of another school at age thirteen for being badly behaved. I pretty much 'grew up' in my new school and was crowned a star pupil after achieving one of the school's highest GCSE results. I was marked as a 'Gifted and Talented' student, projected to go off to a top university.

I then achieved an A, two B's and a C at AS level and I was devastated. I begged my teachers to increase my predicted grades and had the pressing task of increasing an A, B and a C at AS level up to a minimum of three As at A-level in order to get into a top university to study law.

Mr. Mullins, an ex-Cambridge admissions officer working at my school, decided to set up a group for students who were applying for competitive university courses. This group marked a turn in my life and inspired me to create Hi-R Education.

A New Beginning

Every week, I and around 12 other bright students from the local area would meet in Mr Mullins' garage. Before our meetings, we would all produce an updated draft of our personal statement and we were tasked with scrutinising each one.

It was through this process of constant scrutiny, re-writing and editing, that I saw my writing improve. After years of being crowned the star pupil in English, I saw that academic writing was a different ball game; I couldn't hide my poor grammar, confusing syntax and over-complicated word choices from my peers, let alone an academic.

After I had left my school and achieved the grades required to get into the LSE, students from my school regularly contacted me to help them with their writing - from personal statements to work experience applications - I became and remained the 'go-to'.

Creating 'Hi-R Education'

I decided to formalise my 'writing services' in the summer of 2017, after the end of my first year at LSE. I was in a coffee shop with my laptop and decided I would create a plan. I saw that there was a clear demand for some sort of student mentorship and writing assistance, especially from state-schooled students.

I created Hi-R - (pronounced Higher) - and paid for a logo and worked with a graphic designer on a website. I invited students from all over the country to apply and asked my friends to assist me with advertising through social media. I initially intended to assist only 10 students by myself, but I received over 30 applications. I then decided to open Hi-R up even further by hiring mentors who would work alongside me.

We've worked voluntarily for the past year and a half and have expanded our offerings to assist a wide range of students in their final year of sixth form/college with applying to university, using the same technique I learned from Mr. Mullins - week on week of intensive feedback on their UCAS personal statement.

Hi-R students have received offers from some of the world's leading universities. We also assist students with achieving the required grades for entry into their firm university by mentoring them through their final year and providing A-level subject advice.

Hi-R's successes have also earned me the recognition of being one of 100 of the UK's top black students and I was invited to 10 Downing Street to celebrate this achievement.

How You Can Get Involved

I believe we have now identified a problem that must be addressed. Many of the students that have come to Hi-R for assistance tend to lack significantly in their ability to write clearly. It is also worrying that a lot of these students' schools tend to accept a low standard of writing.

To address this we are developing workshops to be delivered to sixth form students with an aim to improve their writing and prepare them for university and beyond.



We will continue to use the 'personal statement process' and one to one mentoring to tackle low levels of literacy amongst youth, and especially those from low-socioeconomic backgrounds.

We are looking for schools to partner with to deliver these workshops and hope to continue to show how successful our techniques can be.

We are open to ideas, assistance and even mentoring from anyone that can help to take Hi-R to the next level and bring up the students that have too often been overlooked.

For more information visit: www.hi-r.co.uk

A Trailblazing Imposter: My Story of Tackling Inequality

Words by Josiah Senu

“Embrace the imposter syndrome.” Earlier this year, sitting down in his chair in the Sheikh Zayed Theatre of the New Academic Building, those were the words of Saj Jetha, an economist and founder of the award-winning organisation The Smarty Train. I had asked him how high performing individuals should deal with persistently doubting the merit of their achievements. His response was that my relentless pursuit of excellence fuelled by my fear of being exposed as a “fraud” had triggered a growth mindset. My biggest challenge would be how to master the anxiety, practice courage and take control.

My personal background compels a desire to give back to students like me. I am the only Black British male, comprehensively-educated student studying law at the LSE in my cohort. For many high-achieving students, attending university is either an uphill struggle or a far-removed possibility due to (amongst other things) teachers lowering aspirations, the imposter syndrome or the visible underrepresentation of BAME and state-educated students at the UK’s top universities. Having first-hand experience of a poor school’s careers service and struggling to cope with the jump from A-levels to university, sitting on the Sutton Trust Alumni Leadership Board presents an opportunity to have a profound impact on state policy, but more importantly, the attitude and confidence of students.

My work on the Sutton Trust Alumni Leadership Board allows me to tackle the educational inequalities faced by students from low-income families and disadvantaged social backgrounds. In last year’s edition of the Ratio, Mateusz Maciejewski, former President of the LSESU Social Mobility Society, spoke engagingly about changing people’s perceptions of class and its influence in everyday life at university. Hence, it was fitting that only a few months later, Professor Francis Green and Professor David Kynaston visited LSE to discuss their new book, *Engines of Privilege: Britain’s Private School Problem*. The headline: Britain’s private schools irrefutably give their students unfair advantages in society.

In 2017, I was an invited panellist to the UK Department for Education’s annual policy festival to discuss how to improve social mobility. Largely, what I mentioned then still remains relevant today. First, we must collectively believe in the ability and talents of young people to achieve beyond their potential. Second, we must combine our knowledge, expertise and personal experiences to support young people in making informed decisions about their next steps. Third, we must encourage young people to be innovators, dreamers and difference-makers. In doing so, we not only improve social mobility, we improve society.

In challenging perceptions and attempting to take ownership of my own pathway, I established an inaugural national law journal last year, the Network for International Law Students UK Law Review. With a team of 30 individuals, we successfully invited Lord Pannick QC, The Right Honourable Lord Dyson and The Right Honourable Lord Hope to join the Review’s honorary board. The Review’s foreword was written by Professor Conor Gearty, and we organised a launch night featuring Professor Mindy Chen-Wishart and Professor Gerry Simpson. In the Review’s foreword, Professor Gearty wrote that it fell to the incoming generation of lawyers to fight for what the law means, “for the good of the communities in which they live”. Today, these words have never rung truer. If I wished to define tomorrow, it would need to begin with me today.

This year, I have enjoyed roles as Vice President of the LSESU Law Society and Articles Editor of the LSE Law Review. I have gone on to publish academic articles in peer-reviewed journals and undertaken research assistance for my tutors. While these separate moments have brought immense satisfaction to me, they have also been trials in mastering anxiety, practicing courage and taking control. While I know there is still a great deal to learn and I am excited at the prospect of continuing my self-development, I am also determined to use the knowledge, skills and experiences I have gained during my time at LSE to aid society’s most disadvantaged people in the future.

“What is your unique selling point?” I was asked during my Kennedy scholarship interview to study at Harvard Law School. I replied, “I’m a trailblazer”. I had never used that word prior, yet it beautifully exemplified my past, present and future. It spoke to my experiences – that although my story is not unique and my accomplishments, while humbling, are replicable, I am who I am because I believe that there is no limit to who I can be. Now, I embrace the impostor syndrome.



Using social media to help students' bridge the socioeconomic divide

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Angelica Olawepo, 2nd Year LLB Student

As an LSE student, who realised their dreams through determination and proactivity, I have created a growing online platform to help working class and minority-ethnicity students succeed. I believe I am an example of the diverse body of students at LSE, who draw on their personal experiences to find unique ways to solve the issues that affect young people across the world.

At the age of nine I moved from Nigeria to the UK and despite my academic ability, I felt trapped in a box because of my socioeconomic status. I did not feel motivated by my teachers and was often made to feel like I was aiming too high. However, I was determined not to be a product of my surroundings. By taking part in various programmes run by organisations committed to improving social mobility such as Sutton Trust, Into University, SEO Scholars, KCL's K+ scheme and LSE Pathways to Law, I gained incredible insight into higher education, the legal industry and the corporate sector; completing work experience at the British 'Magic Circle' law firms and summer schools at top universities.

After achieving the highest grades at my school at the end of A-levels, I was selected to be part of the first ever cohort of Oxford University's access scheme, known as the 'Lady Margaret Hall Foundation Course', where I read law and I served as Oxford University African and Caribbean Society's Access and Outreach Officer. The following year, I progressed to LSE, enrolling as an LLB student. Determined to help other people in the same way that I was helped, I served as a mentor and student ambassador for LSE Widening Participation initiative.

In 2016, I founded the Sophire Foundation as a way to provide practical support to under-represented students who wish to gain access into elite institutions. Through the foundation I have mentored up to 60 students, helping with their university applications and professional development. I held my first university applications boot-camp in October 2018 with the support of fellow LSE students, Micah Roberts, Olamide Duyile, Altab Mohammed, as well as students from other top universities. We organised a series of workshops, providing tailored advice to 40 students on their personal statements and course choices. Through my interactions

with the students I learned how teachers often act as the gatekeepers, failing to recommend students who do have the academic potential to succeed at top institutions, but who may need some extra guidance on how to go about it. I recognised how impactful early-access to mentors and invaluable information was for me and so I decided to start a YouTube channel as a way to pass on the information that I gained to other young people seeking similar opportunities, information and guidance.

My YouTube channel 'Angeliculture' launched in summer 2018 after I taught myself how to code and use complex editing software. I continue to build a growing audience of mostly young people, garnering over 70,000 views and 1100 subscribers at the time of writing. I create video content about how to get into top universities, what life as an LSE Law student is like and give practical insights into how I have secured internships at top law firms and investment banks. In one video, titled 'My LSE Story #DagenhamtoLSE', I shared my personal story and how I developed the credentials that aided my application to LSE. I'm very pleased that a number of my viewers have since received offers from LSE and will be starting this autumn.

I am in the final stages of writing my first e-book titled 'Becoming the Corporate Chameleon.' Like the videos, I hope to use the e-book to equip fellow students with practical information on securing work experience, building their network and seeking out mentors. I owe a lot to the entrepreneurial and diverse culture here at LSE which pushes students to find solutions to real problems that affect many lives. I hope to continue running my social media platforms, providing helpful information and advice to others, even after I graduate and start my career in the corporate sector.

Find out more about Angelica and her experience here:

<https://www.youtube.com/channel/UCUdRuXjzyzAzkVZZWBgViHg>

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LLB, LLM and MSc Prizes

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Year 1

Charltons Prize

Best Performance in the First Year

Charlotte Culley

John Griffith Prize

Public Law

Charlotte Culley

Hughes Parry Prize

Contract Law/Law of Obligations

Nga Wai Wong, Sze Hian Ng, Jarren Koh

Hogan Lovells Prize

Law of Obligations and Property I

Ana-Maria Anghel

Dechert Prize

Property I

Tanay Mukherjee

Dechert Prize

Introduction to the Legal System

Daniel Horlacher

Nicola Lacey Prize

Criminal Law

Charlotte Culley

Year 2

Slaughter & May LLP Prize

Best Performance in Year 2

Darren Hon

Morris Finer Memorial Prize

Family Law

Grace-Mary Sweeney

Year 3

Slaughter & May LLP Prize

Best Performance in Year 3

Nur Kamilia Binti Rozlan

Lecturers' Prize

Jurisprudence

Hoi Lam Wong

LSE Law Prize

Best Dissertation

Mahmoud Serewel

Sweet & Maxwell Prize

Best Performance

Hoi Lam Wong

Year 2 & Year 3

Blackstone Chambers Prize

Law and Institutions of the European Union

Matthew Unsworth

Blackstone Chambers Prize

Human Rights

Suman Sachdev

Blackstone Chambers Prize

Commercial Law

Sabrena Ong

Blackstone Chambers Prize

Public International Law

Ranjana Nair

Clifford Chance Prize Property II

Hoe Kiu Austin Chan

Darren Hon

Jessica Fitzpatrick

Linklaters LLP Prize

Commercial Contracts

William Wong

Laura Devine Prize

Human Rights

Nora Hamami

Lauterpacht/Higgins Prize

Public International Law

Nur Kamilia Binti Rozlan

Old Square

Chambers Prize

Employment Law

Nina Maras

Hunton Andrews

Kurth Prize

Information Technology and the Law

Nahide Basri

Herbert Smith Freehills Prize

Conflict of Laws

Edward Mak

Mike Redmayne Prize

Law of Evidence

William Wong

Pump Court Tax Chambers Prize

Taxation

Henry Cole

Hogan Lovells Prize

Business Associations

Miya Modhvadia, Soumya Gupta

Slaughter and May LLP Prize

Best Overall Degree Performance

Natalie Tsang

PhD Completions

21

Department of Law students awarded with their PhD in the academic session

Jacob Bronsther

'Long-term incarceration and the moral limits of punishment'

Supervisors: Professor Nicola Lacey and Professor Peter Ramsay

Tor Krever

'The ideological origins of piracy in international thought'

Supervisors: Professor Susan Marks and Dr Stephen Humphreys

Dagmar Myslinka

'Not quite white: the gap between EU rhetoric and the experience of Poles' mobility to the UK'

Supervisors: Professor Nicola Lacey and Dr Coretta Phillips

Signe Rehling Larsen

'The European Union as a federation: a constitutional analysis'

Supervisors: Professor Martin Loughlin and Dr Michael Wilkinson

Dvora Liberman

'Conductors of the legal system: An oral history study of the everyday lives of the crown court clerks form 1972-2015'

Supervisors: Professor Linda Mulcahy and Rob Perks (British Library)

Barbara Pick

'Empirical analysis of geographical indications in France and Vietnam: opportunities and constraints'

Supervisors: Professor Alain Pottage and Dr Dev Gangjee

Rafael Lima Sakr

'Law and lawyers in the making of regional trade regimes: the rise and fall of legal doctrines on the international trade law and governance of south-north regionalism'

Supervisors: Dr Jan Kleinheisterkamp and Professor Andrew Lang

Ryan Stones

'EU competition law and the rule of law: justification and realisation'

Supervisors: Professor Martin Loughlin and Dr Pablo Ibanez Colomo

Rebecca Sutton

'The international humanitarian actor as 'Civilian Plus': The circulation of the idea of distinction in international law'

Supervisors: Professor Gerry Simpson and Dr Devika Hovell

Sarah Trotter

'On coming to terms: how European human rights law imagines the human condition'

Supervisors: Professor Damian Chalmers and Dr Kai Möller

Moiz Tundawala

'In the shadow of swaraj: constituent power and the Indian political'

Supervisors: Professor Martin Loughlin and Dr Thomas Poole

David Vitale

'Political trust and the enforcement of constitutional social rights'

Supervisors: Dr Jo Murkens and Professor Thomas Poole

Sally Ann Way

'Human rights from the Great Depression to the Great Recession: The United States, 'western' liberalism and the shaping of the economic and social rights in international law'

Supervisors: Professor Susan Marks and Dr Margot Salomon

Aaron Wu

'Sustaining International Law: history, nature, and the politics of global ordering'

Supervisors: Professor Susan Marks and Dr Stephen Humphreys

Crime and Punishment: examining the ethics underlying long-term incarceration

Dr Jacob Bronsther, LSE 2017/18

It could have been worse. Given that his alleged co-conspirator received an 11-year term, and given the decades-long sentences routinely handed down in the United States, it was something like good news when a federal judge in lower Manhattan ignored the prosecutor's recommendations and sentenced our client to 2 years in prison.

The legal philosopher in me was curious, though, about the basis of our relief. What was it about especially long sentences that seemed so injurious, and so difficult to justify? This question eventually pulled me from New York, where I had gone to law school at NYU and where I was working at a firm, back to the UK, where I had earlier received a master's in political theory from Oxford. I was headed to the London School of Economics and Political Science, one of the great centers of criminal law theory, to write a PhD on the ethics of long-term incarceration under the supervision of Professors Nicola Lacey and Peter Ramsay.

Over the next four years, I came to believe that two sets of reasons determine the moral limits of punishment. First, the reasons that justify the positive infliction of penal harm—say, the pursuit of crime deterrence—will contain “internal” punishment limits. They will only license penal harms that are “proportionate” or “parsimonious” means of realising our penal aims. The second, relatively independent set of reasons are those that resist the infliction of degrading punishments.

Part I of the thesis sought to establish the appropriate internal punishment limits. Asking why, if at all, the state is entitled to harm people when they commit offenses. It conceives criminal law as a system of protections, upon which all citizens rely for civic peace and cooperation. An offender weakens this system by contributing to “criminality”—not merely the perceived, but the objective threat of crime—and thus owes a duty of repair to society. The state is entitled to inflict deterrent punishment on the offender as a means of “erasing” his criminal contributions. Over time, ideally – with would-be offenders appropriately deterred - it would be as if he had never contributed to criminality, in terms of the average threat of crime faced

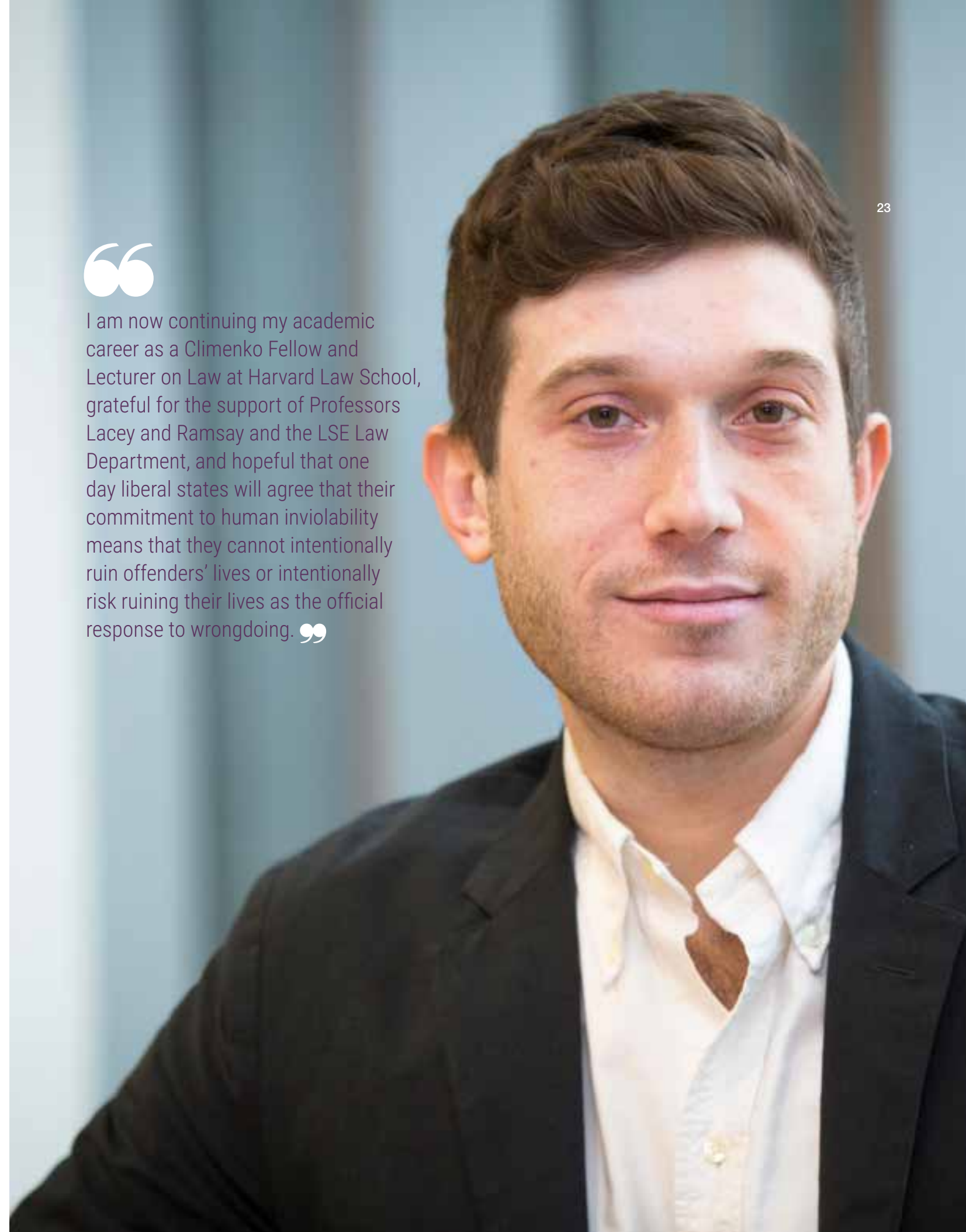
by society. From this view penal harm is justified only if it is the most efficient means of securing deterrence, and only if the sentence is proportionate to the offender's criminal contributions. The theory thus rules out long-term incarceration in most—but not necessarily all—cases. To sentence an offender to a 20-year term is generally a wasteful and inefficient use of crime prevention resources, let alone entirely out of proportion to the duty of repair he owes to society.

Part II of the thesis considered whether long-term incarceration might be impermissible at a more basic level. Here I argued that punishment is degrading to the extent that it treats an offender as a non-human, by denying the presence or worth of his essentially human capacity to stitch moments together through time to construct a good life as a whole.

Consider the paradigmatic case of degradation: torture. Torture takes such a diachronic being, one with a past and a future, and via the infliction of a make it stop right now panic, converts him into a “shrilly, squealing piglet at slaughter,” in Jean Améry's words, restricting his awareness to a maximally terrible present. Is long-term incarceration impermissibly degrading in this way, regardless of its proportionality or social utility otherwise, akin to penal torture? Prison entails a wide array of possible deprivations, I argue, but its deprivational essence is a limitation on the freedom of association. This limitation becomes a grave injury as time passes, regardless of the prison's quality. Indeed, decades-long sentences severely risk ruining an inmate's life as a whole, by depriving him of certain associational goods that one can only realize over time, like a family and career. Long-term incarceration for reasons of retribution or deterrence intentionally inflicts this life-ruining harm. It is thus impermissibly disrespectful of a person's value-generating capacities, I conclude, akin to penal torture. Long-term incarceration for the reason of incapacitating a demonstrably dangerous offender, however, whereby the state is not motivated to harm the offender, can be legitimate.



I am now continuing my academic career as a Climenko Fellow and Lecturer on Law at Harvard Law School, grateful for the support of Professors Lacey and Ramsay and the LSE Law Department, and hopeful that one day liberal states will agree that their commitment to human inviolability means that they cannot intentionally ruin offenders' lives or intentionally risk ruining their lives as the official response to wrongdoing. ”



The projects of a market risk device

24 Irene Claeys, PhD candidate

In much of mainstream economic and finance literature, distinctions between risk and uncertainty are carefully maintained, the former being understood as the measurable loss associated with unintended future events. Banks typically divide their risks into the categories of credit, market and operational risk, and specific metrics are designed to quantify each risk category within particular markets or investment portfolios.

These conventional risk concepts tend to dispel the uncertain or unknowable, and assume that the future can be calculated as long as we process the right data and use the correct methods. Although the global financial crisis challenged the legitimacy of this growing risk infrastructure supporting the financial markets, to varying extents, the notion of risk continues to be employed and associated with the properties of objectivity and measurability.

In my thesis I take a different perspective. One that treats financial expertise, including financial risk analyses, as socially contingent and capable of reshaping the realities they describe. I am interested in the processes through which risk devices, their substantive definitions and measurement systems, are continuously redefined, looking at the logics and interests that go into formulating their conceptual boundaries. While this question of contingency is in and of itself important - particularly as mainstream analyses still so often talk about risks as natural and objective threats - my interest in investigating the processes that shape our conceptions of risk lies in the further hope of finding a more productive perspective from which to examine the performative effects they produce in their wider regulatory and market environments.

I came to the PhD with an interest in the relations between legal and knowledge practices. After my undergraduate degree, I worked in various human rights organisations (with one accidental stumble in a reputation management firm) where I spent most of my time campaigning and learning how to persuade or convince our audiences in favour of particular perspectives, but more importantly, to reframe the issues we worked on. Although I had never been interested in pursuing academia, during my LL.M at LSE, I met a number of professors, including my current supervisor Andrew Lang, who helped me discover the value of theory.

In my campaigning work, I often felt that things became much more difficult anytime we ventured into the territories of trade and finance. The PhD not only gave me the possibility to explore questions of meaning-making at a much deeper level, but also to do so while learning about the world of economic governance. In my research on financial risk, I focus on the emergence and operations of 'market risk' in banking regulation, as it represents a critical device in the wider transformations in finance over the last five decades. Since the early 1960s, banking systems have evolved significantly from simpler forms of loan provision to more complex practices of market-based intermediation that involve the channelling of funds and financial risks across a broader spectrum of market actors. As such, market risk management represents an insightful space through which to investigate the processes that shape risk categories, as well as their productive and ordering effects.

Ultimately, my research aims to examine market risk as a device that does not just represent the world but incorporates a set of contingent actors and logics that, as a singular entity, is capable of contributing to significant consequential effects. And I aim to show that legal and market practices act in tandem to bring together a series of disparate elements towards particular strategic ends. Using Donald MacKenzie's now famous metaphor from the social studies of finance literature, risk constructs are examined as 'engines' rather than 'cameras', so that any analysis of, or intervention in, the regulation of risk frameworks should be clear about the normative and descriptive structures they reside in and help perpetuate.

Many of the difficulties I face in making this thesis work, as with most PhD projects in our department, are about navigating the knowledges split across a variety of disciplines – in law, sociology, finance and economics. In this respect, both the wider university and the department itself have given me a lot of support in helping to find the ropes within a new field, or the different specialised paths that the research has taken me through. And more importantly, the law department has taught me a range of theoretical traditions in legal thought that until my PhD I had very limited exposure to. In pursuing this research, I have had the privilege of learning from the expertise of our staff as well as my peers, regarding the many ways to think about law and its place in society.



Private issues and public interest: The changing face of counter-terrorism and family law

Fatima Ahdash, PhD Candidate

In March 2015, whilst I was studying for the LLM at LSE, I came across news reports that really baffled me. Almost every week, one newspaper or another reported that a family court somewhere in the country was dealing with a child or a number of children considered to be at risk of radicalisation and travel to ISIS-held territory in Syria.

I was baffled because at that time I was taking Professor Conor Gearty's (amazing!) course on Terrorism and the Rule of Law. But everything I learnt there about terrorism, its history and the way international and domestic law responded to it was as far away from the family courts as you might think. Up until that point, it seemed to me that we (and by that I mean lawyers, academics and policy-makers) thought of terrorism and counter-terrorism as very public issues that were to be 'played out' in the public sphere.

So, what changed? Why is this very public and political problem- terrorism- being dealt with by the family courts of England and Wales? Why is the law intervening in the private sphere in the name of preventing and countering terrorism, extremism and radicalisation? Why is family law only now interested in the terrorist and/or extremist as a parent? Why is terrorism only now considered a safeguarding and child-protection issue? Why is it now considered a family matter? What are the implications of redefining terrorism in this way? These are the questions that I was grappling with during the Spring and Summer of 2015 and eventually (with the kind encouragement of Professor Gearty and the late Helen Reece) I managed to turn them into a PhD proposal, investigating the interaction between family law and counter-terrorism in the UK in recent years.

Although my research area is very new and is constantly evolving, I was very keen on starting to research and understand it better. But it was not just the striking novelty of the area or academic curiosity that motivated me. I felt, and still feel, that the cases being decided by the family courts were raising important and, indeed, worrying human rights

issues and were having a massive impact on my (British Muslim) community. I wanted to be able to understand, analyse and document that impact. And what better place to research a new and cutting-edge legal phenomenon than the LSE Law Department? I did both the LLB and the LLM at the LSE and really enjoyed both. So I decided to come back- for the third time- and do my PhD here.

The research so far has been highly stimulating and fascinating. I am learning a lot- not just about the emerging area of law I am investigating but also about myself. I think that doing something as challenging as a PhD teaches you some wonderful things about yourself, how far you can go and how much you can achieve but also some less wonderful though equally important things about your limits, your knowledge-gaps and (at times the bleak reality of) the world around you. Fortunately, the Department offers a lot of teaching and other academic-profile-building opportunities that keeps PhD students from being too isolated or getting lost in their research. I have found teaching Family Law to our brilliant LLB students to be particularly thrilling and rewarding, even though they ignored my idea of starting an LSE Family Law podcast...

When I am not researching or teaching, I spend a lot of my spare time reading novels. One recent novel I read- and have been either forcefully recommending or gifting to various people in the Department- is *Home Fire* by Kamila Shamsie. The novel, which won the Women's Prize for Fiction last year, is a gripping modern reworking of Sophocles' *Antigone*, telling the story of the family of a former Guantanamo detainee and their struggles with the British state, identity, family, faith and terrorism. I would say that it is the novel version of my thesis, in fact it even features the LSE Law Department! It captures the current political and cultural moment, especially the changing counter-terrorist landscape, so well and I often find myself using it to think about and reflect on my own research.



Defending Liberty and Democracy in the Age of Trump: the role of civil society

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Words by PhD Student, Raphaël Girard

On 1 November 2018, two distinguished speakers were invited to the LSE to discuss one of the most important issues of our day: the rise of anti-immigrant, populist and anti-egalitarian politics in many Western democracies. The two speakers, David Cole, the National Director of the American Civil Liberties Union (ACLU), and Philippe Sands, Professor of Law at University College London and Queen's Counsel, had two different approaches and two different focuses, but shared a single objective: to find ways of protecting liberty and democracy in these difficult times.

Deeply preoccupied by the election of Donald Trump in the United States and the rise of populist politics elsewhere, David Cole started his talk by mentioning a silver lining in this otherwise dark period: how the American people have responded to the Trump administration. Mr. Cole mentioned how ACLU membership had risen since he became National Director in 2016, a few months before Trump's election. ACLU membership increased from 400,000 to 1.6 million in two years, a clear sign for Mr. Cole that Americans are concerned about what President Trump stands for and that one important response from civil society is to engage in the protection of civil liberties and fundamental rights.

Mr. Cole explained that the recent focus of the ACLU has been on three different elements, namely (1) immigrant rights (notably in the context of the famous 'Muslim ban', the executive order that restricted travel from majority-Muslim countries); (2) reproductive rights (amidst concerns that the famous *Roe v. Wade* case granting abortion rights to women might be overturned by a new conservative majority at the Supreme Court); and (3) voting rights (mainly voter suppression against the poor, minorities and the young – who are all unlikely to vote Republican).

Mr. Cole then went on to discuss the role of courts in safeguarding civil liberties. He said that the Trump administration has forced the ACLU to find new ways and tools available to them to defend civil liberties, and that these tools include the judiciary. In fact, the ACLU has

brought more than 186 legal actions against the Trump administration since he took office. Mr. Cole also stressed the role of courts as a fundamental bulwark for civil liberties and mentioned that they have done a good job so far in that respect. In response to a question on the nomination of conservative judges and justices by the Trump administration, Mr. Cole said he finds solace in the fact that while courts are countermajoritarian and do not have to run for re-election, they historically have not really departed from popular views. The ACLU director also mentioned that while President Trump has appointed very conservative judges and justices since he took office, courts tend to be conservative, but establishment conservative – something that President Trump is not.

Philippe Sands, a professor of international law, shared similar concerns but had a different approach. His angle was international rather than domestic law. For him, the Trump administration has a clear plan: it is to systematically dismantle what was put in place after 1945 to create a world based on multilateralism and the rule of law. Professor Sands also highlighted the irony that both the US and the UK have withdrawn from the very system that they have created after World War II. For Professor Sands, the move away from multilateral to bilateral treaties poses significant threats to the set of institutional arrangements that are necessary to the world order, something which Mr. Cole agreed with.

Both speakers shared a deep concern regarding the growing level of inequality. According to Mr. Cole, studies confirm that a constitutional democracy cannot survive when a certain level of wealth disparity is reached. Both speakers also shared important concerns pertaining to the current state of democracy, but also pointed out that some of these concerns are not exactly new. Professor Sands, for instance, said that while he is preoccupied by the rise of populist and isolationist views in Europe, he does not believe that we are in a 'new' situation. He referred to the debate that took place in 1931 regarding whether Austria should enter into a customs union with Germany amidst concerns that doing so would weaken the democratic power of the Austrian parliament. Referring to these two countries as being on the frontline of militating against isolationism in the early 1930s and creating a world order in 1945 that would prevent



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it from happening again, he wondered how ironic it is that those two countries have now opened the door to the very thing they sought to take on.

For Professor Sands, this raises the fundamental question of whether our institutions are strong enough. For him, far more important even than democracy, and certainly than liberalism, is the idea of the rule of law and the effectiveness of institutions that support it. Professor Sands said he was shocked by the Daily Mail headline in November 2016 that fingered three judges and singled them as 'enemies of the people' – for him, a line was crossed here. While Professor Sands seemed to put faith in the role of institutions (and of the rule of law) in safeguarding democracy and liberty, Mr. Cole argued that the most significant defense to liberty are the people – not the institutions. And this is precisely why, according to Mr. Cole, civil liberties organisations like the ACLU have to engage the people.

While the two distinguished speakers had different approaches – and different points of focus – they ultimately shared the same concerns and objectives, i.e. a profound commitment to defend and safeguard democracy and liberty in an age where both principles are under attack by anti-immigrant, populist and anti-egalitarian politics.

The event was held at full capacity in the Hong Kong theatre. In case you missed it, the podcast is available here:

lse.ac.uk/law/events/defending-liberty-and-democracy-in-the-age-of-trump-the-role-of-civil-society



30 Combatting Democratic Illiberalism Under Donald Trump

Words by Robert Casale, Esq.

The Trump presidency is widely regarded as an existential threat to global democratic liberalism. Criticism of Trump's policies is often intertwined with who Trump is as a person. Professor Mark Graber, for example, began a talk about the nuances of constitutional interpretation before the prestigious New England Political Science Association with the following observation: "The President of the United States is a liar, a bigot, a criminal, a sexual predator and a probable traitor."¹ Hyperbolic as these remarks may be, they are essentially true.

In Federalist no. 10, James Madison recognized that "enlightened statesmen will not always be at the helm." Understatement aside, Madison likely never imagined an American president as disdainful of constitutional order, as unconstrained by established norms, or as dangerously incompetent as Donald Trump. Trump is the most "illiberal" president in U.S. history. With the 2020 presidential election fast approaching, whether Trump will have four more years to wreak constitutional havoc will depend, in large part, on whether objective truth prevails over Trump's lies.

Democracy relies on an informed citizenry. The broadcast and print media face unprecedented challenges in dealing with Donald Trump. To combat an autocratic president who lies incessantly, attacks the very institutions he swore an oath to defend, and sides with foreign dictators over U.S. national security officials, the media has to change the way it covers Trump. Covering Trump as if he were a normal president only normalizes Trump. Trump, however, is not a normal president. Normal presidents do not attack the ("fake") news media as the "enemy of the people."² Normal presidents do not delegitimize truth or gaslight the public with comments like: "Just remember-what you are seeing and what you are reading is not what's happening."³ To combat Trump's illiberalism, the media needs to understand how Trump got where he is and how he plans on staying there.

Neuroscientists tell us that we humans are not thinking machines. We are feeling, sentient machines that think. As a political unknown, Trump was able to contrive his political persona (avatar) from scratch. That image—carefully crafted with lies—was that he was a self-made billionaire with the business acumen to solve problems. Because he was an uber rich outsider, he would be incorruptible and

uncontrollable. Trump would be the peoples' president unbound by party, PAC money, the mainstream media, or the failed policies of the past. A more appealing political avatar could hardly be imagined.

Trump intuitively knows what good trial lawyers have long known: the facts are only part of the story. Voters do not suspend emotion in favor of dispassionate, factual analysis any more than jurors do. We humans tend to make decisions emotionally then justify them intellectually. Unlike any previous president, Trump operates almost exclusively on an emotional, visceral level.

The Trump avatar feels good to a lot of people. Facts do not change that feeling. Indeed, the vast majority of Americans have not read the Mueller Report and have no intention of doing so. Facts are not the basis of Trump's support, and they will not be the impetus for any change in that support. This is evident when Trump supporters are asked why they still support him. The most common refrain is that, while they do not condone his behavior, they like his policies. What policies do they like? Separating mothers from their infant children at the U.S./Mexico border with no plan for reuniting them? Giving the richest Americans an unneeded tax break at the expense of working people? Allowing people with mental disabilities, like schizophrenia, access to military-grade firearms? As a matter of "fact," Trump's policies are just as unacceptable to many of his supporters as his behavior is.

Trump is surviving politically because he has been allowed, unwittingly, to use disinformation as a political tool. The very nature of a 24-hour news cycle, with its need to fill air time and tally clicks, allows Trump to control the daily narrative and thereby avoid the consequences of his actions—and his lies. In effect, today's outrageous claim (new steel mills are "opening almost on a daily basis") fades into yesterday's news as journalists scramble to scoop tomorrow's story.

The cacophony of lies, false claims and fake news that emanate from the Trump White House is intended to obfuscate and confuse. If repeated often enough, these assertions can feel true. The danger, of course, is that when facts are no longer facts, and lies are no longer lies, the sense of shared reality that is essential to democracy is lost. What follows is the loss of democracy itself.



It is one thing for Trump supporters to want to believe—to the disregard of evidence to the contrary—that the Trump avatar is real. It is quite another matter for Trump and his minions to coordinate a deliberate disinformation campaign from the highest office in the land to keep the public off balance in their understanding of who Trump is and what he is really doing.

Truth is the antidote to democratic illiberalism. Pernicious lying as a political strategy is not a protected freedom under the First Amendment. At every televised opportunity—every presser, every tarmac encounter, every photo op—Trump's mendacity must be exposed with simple, direct questions. If there was no collusion, why did you lie? Why did members of your administration lie about 140-plus contacts with Russian

operatives? Where are the new steel mills? Variations of these questions should be put to every administration official who appears before a camera.

The image of Trump, and his minions, trying to sidestep these questions, piling lie upon lie, will go farther in revealing who Trump really is than any cerebral discussion of the facts.

¹The occasion was the association's annual dinner. The professor was asked to talk about his recently published paper, *The Constitutional Powers of Anti-Publican Presidents: Constitutional Interpretation in a Broken Constitutional Order*, 21 *Chapman L. Rev.* 133 (2018).

²Donald J. Trump (@realDonaldTrump) August 30, 2018.

³Speech in Missouri, July 2018.



Photos credit: European Institute/LSE

Presenting an uncommon view: A German Professor in favour of Brexit

Words by Professor Peter Ramsay

In the week that the British government first delayed leaving the European Union (EU, the Law Department co-hosted a lecture by Wolfgang Streeck, Emeritus Director of the Max Planck Institute for the Study of Societies. It was entitled 'Taking Back Control?: Brexit and the Future of Europe'. Peter Ramsay chaired the event and reports.

Of all the views offered up in the Brexit debate, the perspective of the German Brexit sympathizer must be among the most unusual. Wolfgang Streeck is such a rare beast. He is also a distinguished academic and one of Europe's leading public intellectuals, the author of two hugely influential studies of contemporary political economy: *Buying Time: The Delayed Crisis of Democratic Capitalism* and *How Will Capitalism End?* His lecture considered Brexit from a European and social-democratic perspective. Softly delivered, it was characteristically bracing in content.

Professor Streeck challenged the view, common among both Eurosceptics and Europhiles, that European integration is a process of going beyond national sovereignty. On the contrary, he claimed that the EU had been essential to the survival of Europe's nation states. For example, EU membership allowed Germany to assert its national interests in Europe without raising old anxieties; Italy's membership had prevented that nation's geographical disintegration; and membership resolved the Republic of Ireland's 'uncertain' status, giving Ireland equal formal standing with its giant neighbor and former colonial power, notwithstanding the division of its territory between them.

Rather than transcending the sovereign status of the member states, the EU had created 'a Europe of mutually entangled sovereign nation states'. The EU was the forum in which national interests were negotiated, creating systematic 'interdependencies'. But 'when it comes to the crunch', the more powerful member states will nevertheless 'insist on their sovereignty'.

Streeck presented the UK's membership in light of this realist analysis. UK membership represented a continuation of Britain's traditional foreign policy of ensuring that no single power dominated on the Continent of Europe. He was particularly struck by the change in attitude to the EU among British officialdom and academia since the Brexit referendum. Where the British attitude had long been one of 'malevolent neglect', since 2016 it had become one of 'moral enthusiasm':

"All of a sudden Brexit became a moral issue about being cosmopolitans or Europeans as opposed to being little Englanders or racists... good versus evil, a politics of emotion, of sentimentality, of identity. In Germany, we sometimes discuss it as a sacralisation of Europe: Europe as a sacred object, an empty identifier everybody can project what they think is good on to the European project."

It was this 'sacralisation' of Europe that was Streeck's particular target. He attacked it by giving an account of the EU's actual constitutional structure – another unusual move in the Brexit debate. Legislative power in the EU is concentrated in the executive branches of the member-states, in the Council of Ministers, while control of the all-important Treaties lies with the Court of Justice. The EU was, he argued, 'from the beginning designed to be insulated from popular electoral politics – that was the very idea of this institutional structure.' EU law provided a set of what Italian officials referred to as '*vincolo esterno*': external constraints that, although approved by ministers and officials of the member states in Brussels, could be presented to the domestic electorate as the 'unfortunately inevitable' effect of European law. In this way, political accountability for policies unpalatable to national electorates could be avoided.

For Streeck, the combination of this legislative structure and the constitutionalized 'four freedoms' of the single market makes the EU a 'neoliberal empire' impervious to reform. He also suggested that it cannot endure because Germany lacks the resources to bear the costs of the regional disparities created by the single market's constitutionalised neoliberalism. Demands for greater national, regional and local autonomy will become impossible to resist.

Professor Streeck concluded with perhaps the most alarming and extraordinary aspect of his thinking on Brexit. He insisted that Brexit offered a great opportunity for the left. The British left will be forced to end what he called its 'strange passivity': its terror of British conservatives on the one hand; its dependence on the EU on the other. Freed of the EU's fetters, the left could begin to challenge its own governing class, and turn Britain into 'a laboratory of social democracy', as it was in the immediate postwar period. He suggested experimenting with radical political decentralisation, limiting free trade, reversing privatisation, re-establishing proper vocational training, and developing immigration policies oriented to Asian countries to which Britain has historical obligations.

Fighting for fairness: How human rights lawyers are working to hold multinational corporations to account

Words by Dalia Palombo

In 2013, the Rana Plaza Building collapsed in Bangladesh killing more than 1,000 workers. The building was declared unsafe and overcrowded. Workers there were typically working more than 12 hours for less than 2 dollars a day. They were producing clothes to be exported by Western multinational enterprises. This is not an exceptional case: it is the real-life in which half of the world finds itself for the benefit of the other half. At the bottom of this relationship are victims from developing countries who are struggling to make a living in appalling working conditions or who suffer from environmental degradation, caused by multinational enterprises degrading the environment to enable mass production.

The detrimental impact that transnational businesses have on the most vulnerable people is one of the core issues among the challenges that globalization presents. Who should take the lead in changing such unsustainable status quo? Should this change be left only to political leaders? What role should stakeholders play as advocates for social justice? What can lawyers do to drive change? And how might we, as a society, strike a fair balance between the various competing interests such as, making profit for shareholders, producing affordable goods for consumers, and respecting the rights of workers and the environment?

To provide some possible answers to these thorny questions the Law Department hosted a seminar, "Business and Human Rights: Holding Corporations to Account in the US and the UK." Bringing together two lawyers who are leaders in driving change in this area in the UK and the US: Daniel Leader, a partner at Leigh Day, and Tyler Giannini, the co-director of the Harvard International Human Rights Clinic and a co-counsel in numerous lawsuits filed against multinational corporations.

The difficulty in holding multinational companies to account for the abuse of human rights, as the seminar

discussion showed, lies most often in the fragmentation of law. As many of us will know, international law is not typically applied to corporations only to States. Similarly, Tort law, criminal law, and administrative law are designed to be applied at the domestic level and their extraterritorial application is exceptional. Corporate law allows multinational enterprises to fragment their liabilities in various companies incorporated in multiple jurisdictions. Host States and home States are often unwilling or unable to collaborate in order to provide victims with effective remedies against multinational enterprises. This legal fragmentation not only leaves victims at the margins of globalization but also at the margins of the law.

Against this fragmented backdrop, Daniel and Tyler described how they had both pioneered various litigation strategies for legal change, combining innovative arguments with established legal doctrines to hold corporations to account. Their litigation strategies had one common denominator: creativity. Both Daniel and Tyler use a smart mix of tort law, corporate law and international law to advocate for their clients against multinational enterprises abusing human rights extraterritorially. Their goal is to advance the law case by case, in the interest of the victims they represent. The seminar addressed the differences in strategies and attitude in the US and the UK and the future of corporate and human rights law.

But the question remains: are human rights lawyers helping improve the condition of victims? Drawing from the experiences Tyler and Daniel shared, it could be the case, two steps forward and one step backward. Overall, these two lawyers at least are contributing to changing the culture for victims, businesses, consumers, legislators, and judges. A lawyer on her own cannot change the world yet the relentless effort of numerous individuals will, in the long run help make society better. The law is an important part of this puzzle. The future of businesses, human rights, and the environment will depend not only on whether Governments choose to act but also on the actions of professors, lawyers, students and ordinary people. Meeting Daniel and Tyler, two extremely committed and stimulating advocates of such change you cannot help but be inspired to take part in this metamorphosis and become an agent for change. I look forward to seeing what the 2019 LSE graduates will do to contribute to such a change.



Human rights and climate change: What does the future hold?

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Words by Emily Boyle and Joana Setzer

As UN experts warn of the risk of a “climate apartheid” and citizens and students the world over demand action from government through climate strikes and other protests, never was it more pertinent for the Department of Law to co-host a public lecture on human rights and climate change.

Co-hosted with the Grantham Research Institute on Climate Change and the Environment, this lecture brought together a panel of experts to discuss the links between human rights and climate change. In particular, whether rights-based climate claims might provide a future pathway for spurring action on climate change.

The discussion marked the culmination of a series of hearings that were held at LSE in November 2019 as part of the Carbon Majors inquiry. The inquiry is the first of its kind to have sparked investigation into the world’s largest producers of crude oil, natural gas, coal and cement – the Carbon Majors – and consider what responsibility these companies might have to the human rights violations that have occurred as a result of their activities in the context of climate change.

The inquiry was initiated in response to a complaint submitted by Greenpeace Southeast Asia, disaster survivors, and community organisations from the Philippines, after a series of particularly violent typhoons hit the Philippines in 2013, causing widespread loss of life, as well as damage to property and livelihoods.

A number of reoccurring themes, and complex questions arose, both during the evening panel and across the two-days of hearings. These included: climate accountability; causation - how do we link human rights affects to climate change and greenhouse gas emissions from one country impacting on another; attribution - how specific emitters might be identified and held responsible for the harm generated as a result of their activities; and finally, prior knowledge, was the potential for harm known beforehand and if so what are the implications of this for the companies involved.

The panel’s speakers included:

- Roberto Eugenio T Cadiz, Chair of the Philippines Human Rights Commission on Human Rights.
- Luke Harrington from the University of Oxford.
- Kristin Casper, from Greenpeace’s Global Climate Justice and Liability Project for Greenpeace Canada.
- Annalisa Savaresi, from the University of Stirling.
- Joana Setzer from the Grantham Research Institute on Climate Change and the Environment.
- Stephen Humphreys from LSE Department of Law

To build upon the global momentum that the Carbon Major provides in relation to human rights and climate change, an exciting competition was also launched in conjunction with the hearings which encouraged students to think about what the inquiry’s outcomes might be. Students were encouraged to submit a proposal in response to the question: *What recommendations should the Philippines Human Rights Commission give as a result of the Carbon Majors inquiry?*

The competition was open to all university students and LSE received a number of strong submissions. The winning submission came from a small group of four students from the Schulich School of Law at Dalhousie University, Canada. Commissioner Roberto Eugenio T. Cadiz complimented the winning team for the quality of their entry and, in particular for their decision to donate the £250 prize to a local Philippines NGO focusing on climate change adaptation.

The winning entry recommended the following global and domestic actions:

Global initiatives:

- Require full transparency from Carbon Majors, through public disclosure of greenhouse gas emissions and vulnerabilities (e.g. adopting the Task Force on Climate-Related Financial Disclosures and/or the recommendations of the Expert Group on Climate Obligations of Enterprises);
- Urge other States to establish compensation schemes for victims, e.g. establishing an international tribunal to adjudicate climate-based claims, ensuring that the compensation is based on proportionate liability,



Photos from the UK hearing of the Carbon Majors inquiry, copyright credit Jiri Rezac / Greenpeace

funding compensation for loss and damages through a global scheme that taxes Carbon Majors, developing an international and/or regional insurance scheme that protects vulnerable states;

- Call upon the Carbon Majors to acknowledge the link between climate change and human rights, to assess their reserves and determine what must be kept in the ground, and to accelerate their transition to clean energy.

Domestic initiatives:

- Pursue a claim in the International Court of Justice against states that fail to prevent environmental harm in the Philippines or that fail to cooperate to protect human rights by owning or funding Carbon Majors;
- Develop legislation requiring Carbon Majors operating within the country to assist in funding the People’s

Survival Fund and the implementation of its National Adaptation Plan and National Disaster Risk Reduction and Management Plan;

- Endorse the United Nations’ draft instrument binding transnational corporations to protect human rights;
- Continue establishing and implementing mitigation and adaptation efforts, as well as creating institutions to address climate change, supporting the Extractive Industries Transparency Initiative and promoting public information.

The Carbon Majors inquiry has important global significance, simply because its outcome has the potential to resonate well beyond the Philippines, in that it could act as a kind of domino effect when it comes to climate change litigation worldwide.

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Behind the lens: A conversation with filmmaker Jade Jackman

Interviewed by Dr Jo Murkens

Jo Murkens (JM): What motivated you to study Law and Anthropology at the LSE back in 2012?

Jade Jackman (JJ): I didn't totally know what I wanted to do, and it was suggested to me at the time as quite an academic subject. It seemed like a good way to combine lots of different interests.

But there is quite a difference between going down the academic route and taking a creative path. Did you consider the creative path?

I did not, because it didn't seem like a viable career choice, and my parents were not very pro it. I am actually happy I didn't do it, because studying law has changed my perspective.

Was there a defining moment at LSE when you decided that you wanted to be a filmmaker and writer?

It was in my second year when I realised I was interested in film. I had studied art and was always interested in photography. But it seemed like quite an 'abstract' career; I couldn't see how I could do it. After chatting to people who made films and seeing how they did it, I skirted around the edges for a bit, writing and doing different things. Basically, when you realise what you want to start making work about, then you try and do it, and that inspires you to find ways to tell the story.

You said in an article that you probably wouldn't have made it as a lawyer. Why do you think that?

I would have become frustrated if I was only dealing with the application of law, especially in ways that I disagreed with. I am more interested in creating a space to make people think about things in a different way, and be exposed to ideas that I find interesting. What I like about film is that you get to reframe an issue, and people leave thinking about it differently. If they had an idea or stereotype around something, you get to shift that in people's imagination without telling them. So you create a space in which people can see that their assumptions should shift.

There's a really good film that the Human Rights organisation Reprieve did with rapper Yasiin Bey about force feeding in Guantanamo. They used a celebrity to maximise impact but also to bring attention to the work of lawyers. I find those

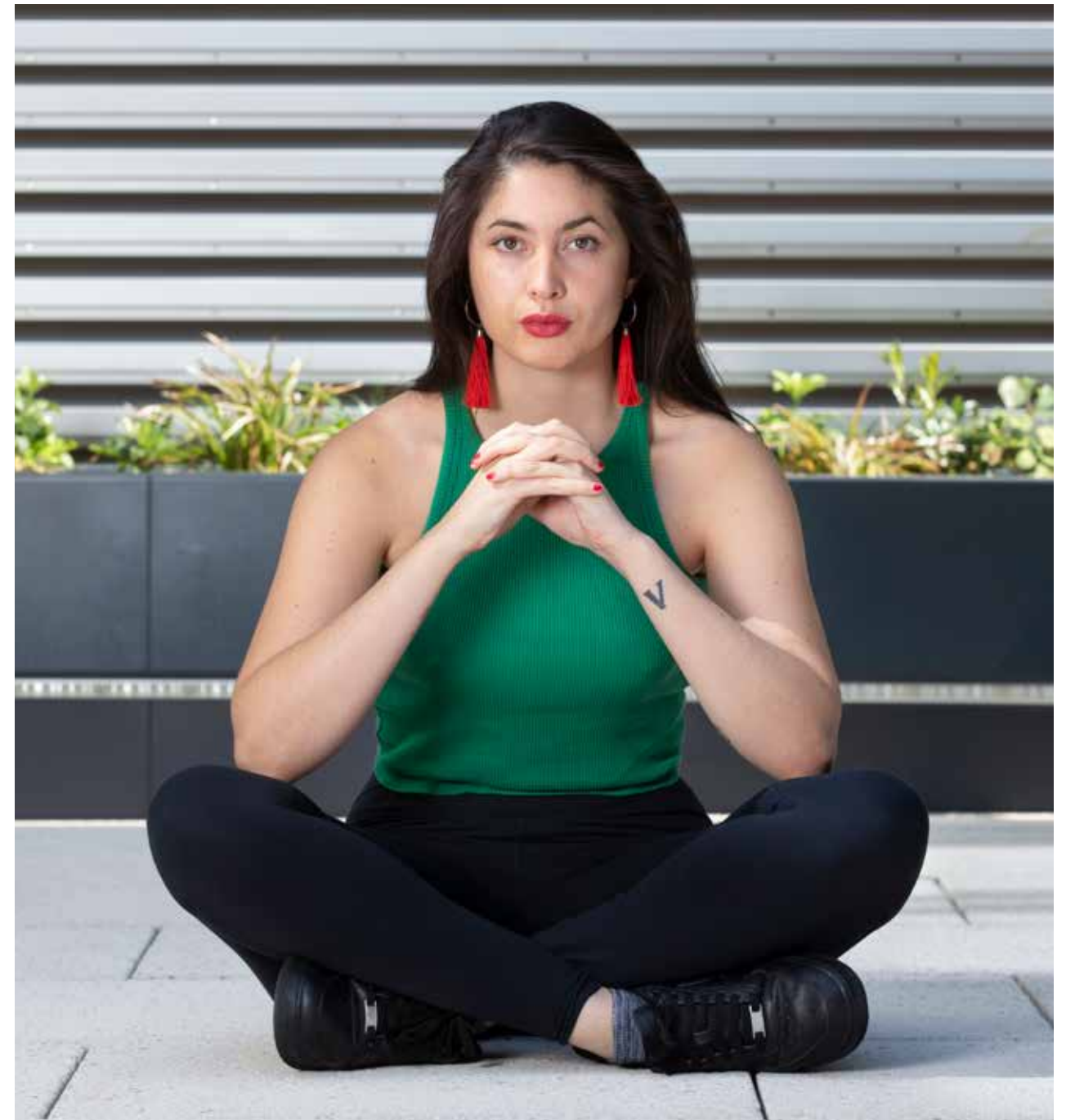
collaborations interesting at the moment, but that doesn't mean that I always will!

Your latest film Station deals with a tough subject (sexual violence against women) and a difficult question, whether victims should report the crime to the police. You show how matters become more complicated when the victim knows the attacker and/or when the victim reports the attack long after it happened – both of which can be used to discredit the victim. What impact do you hope your film will have?

We are shooting it in a creative way, akin to a horror film. The script is removed from one person's experience, and more like a collective experience. I want to reframe where our fear of where sexual violence actually lies by challenging the stereotype of someone who commits sexual offences, and also reflect on the criminal justice system, which obviously is not working. There's way more that needs to be done regarding the impact and trauma of sexual violence.

Your films strike me as deeply reflective. In The People vs Pussy Riot, one member, Nadya Tolokonnikova, is confronted with supportive and abusive online comments, which Nadya uses to reflect on the wider state of the world. Postcards: Calling Home deals with detained women in Yarl's Wood, an immigration removal centre. Many viewers would assume that the UK government detains those women for legitimate reasons – otherwise why would they be there? But you challenge those reasons by giving a voice to those 'invisible women'. It's also striking that they have British accents, because they have lived in the UK for the majority of their lives but are not UK nationals – again, not what the viewer would have expected. Your films neatly combine the personal and the political. How do you view that relationship?

I definitely think the personal and the political are connected. But I would not say that I am that interested in telling stories about an individual person. There is an underlying interest in political experiences, and I think it can be good to have someone who relates to those experiences to guide an audience through them. With the Yarl's Wood film and the form Station is taking, the experiences are more disembodied; they are not hooked onto an individual. That is me trying to show things that are similar about people's identity, rather than focus on differences



What is your next project?

I am making a horror film next! I've just finished the script. It's about immigration. It's based on a Malay myth but set in London. Race and micro-aggressions come up, but they are dealt with in a funny way and in horror. I want to make films that are watchable. Documentaries can be too heavy or academic, which means you can lose an audience. Studying law showed me that big and important issues need to be communicated well.

Forty years after his graduation, Patrick Mears OBE reflects on his career

Words by Anastasia Siapka

Patrick Mears graduated from LSE's LLB programme in 1979. But he did not always plan on a legal career.

Starting out with an interest in theoretical physics, Mears soon realised that his mathematics was not strong enough to support a career in natural sciences. Considering arts and humanities equally distant from his background, he was left with the social sciences and law specifically, as a viable option.

When deciding where to study law, LSE was his first and obvious choice. Albeit born in England, he moved to South Africa when he was two months old returning when he was fourteen. He therefore, wished to study at a predominantly international university. For him, LSE attracted—and still does—a mosaic of individuals from so many different countries and backgrounds that blending in was effortless.

When asked about his time at LSE, the first thing that comes to Mears' mind are the relationships he built with peers. Although classes were taking place at the Old Building, mainly on the second floor, Mears holds Passfield Hall close to his heart. He regards the halls of residence as central to fostering friendships maintained long after his graduation, Passfield Hall was the place where Mears even met his late wife.

In terms of the curriculum, he recollects being taught by Professor Michael Zander QC, Lord Wedderburn of Charlton, who was teaching collective labour law, and Mr Andrew Nicol, now a High Court Judge. An incident he particularly remembers is his family law class visit to the Royal Courts of Justice: "[...] the whole group of us went over to the Court of Appeal to listen to Lord Denning, who was then in the Court of Appeal as Master of the Rolls. That was fantastic. Just a 5-minute walk and you're listening to the most influential judge of our time."

After graduation, Mears stayed in touch with the School. Currently Chair of the LSE Alumni Association and member of the LSE Court of Governors, he is optimally placed to reflect on the dimensions in which LSE has transformed over the years. Firstly, its size: "The Law Department probably has in one year of undergraduates as many students as we had in the whole three years." Inevitably, this increase in numbers demanded a systematic approach to the School's internal organisation: "A sort of discipline has come in and it's less a situation of each professor doing their own thing. It has

become more of a cohesive whole than it was before."

One of the most substantial changes, though, has been LSE's growing attention to student welfare. At first glance, Mears and his contemporaries didn't face the same employment anxiety as students do today: "You came out of university and by and large you found yourself a job. Nobody went into their course thinking 'I'm doing this so I can get a job'. It was much more focused on 'I'm here to learn something and when I come out I'll decide what I want to do'. However, this does not imply that students at that time were not confronted with difficulties worthy of attention. In his own words, "London was a difficult place to live in even then because it was different from the rest of the country. People were coming away from their homes and in those days people travelled less. If you look at the Communist Bloc countries, some people who were studying here may not have been able to bring their family members with them, not even to visit. There were certainly pressures then and there was not the framework to deal with that at all. So, some people did suffer."

Through his involvement with the Alumni Association, Mears aspires to enhance the LSE experience. He finds that LSE's competitive advantage lies with its "strong contingent of non-UK students", who establish alumni groups around the world. Such groups, both country-specific and special interest ones, support the School, other alumni, and incoming students, which motivates Mears to describe them as "the engine room of the Association". He encourages faculty to connect with these groups when travelling abroad and extend LSE's intellectual discussions beyond London. On the alumni side, he wishes that they join at least one such group and evokes the example of one of his contemporaries, who, despite relocating to several countries for work, was always embedded in supportive networks thanks to different alumni groups. Mears advises that LSE alumni are truly international citizens; hence, it's critical to treat them as such. In designing initiatives for them, preconceptions about regions should not apply, as at any instance LSE alumni might be found at any corner of the globe.

Apart from LSE's evolution, Mears is passionate about tax and its function in society. When his law tutor, tired of writing numerous reference letters, asked him to choose among



42 those legal firms which had already offered him a position, he went with Allen & Overy, one of the “Magic Circle” City of London law firms. During his rotation period, he realised that he was too competitive and emotionally engaged to succeed in litigation, whereas he very much enjoyed the problem-solving nature of tax. Until now, he appreciates solving problems which have real-life implications instead of those tackled solely for the sake of contemplation.

To succeed in tax law, Mears identifies two interrelated skills: rigorous thinking and the ability to formulate one’s thoughts logically. We are transitioning to a “post-expert” era, Mears claims. Technical information, once the preserve of small specialist groups, is now widely available and is increasingly being relayed in a straightforward manner. Writing briefly and simply is, according to him, strenuous but also an important means to ascertain one’s grasp of the subject.

During his three decades at Allen & Overy, Mears fully concentrated on his role. Consequently, when he retired in 2012, he didn’t have any plans. Witnessing many people equating not doing anything after retirement with failure and thereby feeling overwhelmed, he decided to embark on a gap year and refrain from undertaking any specific roles. “I nearly managed that”, he says, laughing and then explains how the Revenue Service (HMRC) approached him to apply for a new independent tax role. Following a public recruitment process Mears was appointed the first Chair of the General Anti-Abuse Rule (GAAR) Advisory Panel. “The Rule basically says that if you do something abusive, then HMRC can turn around and say ‘no, that was abusive, therefore the advantage you thought you got, you can’t have’”, he elucidates. To balance tax authorities’ wide discretion and provide taxpayers with a safeguard, an Advisory Panel was established. HMRC couldn’t use the rule against taxpayers until they had first consulted the panel’s opinion as to whether the taxpayer had been reasonable or not. “If the matter ever goes to court, the court has to have regard to that opinion. This gives teeth to the Panel.”, Mears clarifies.

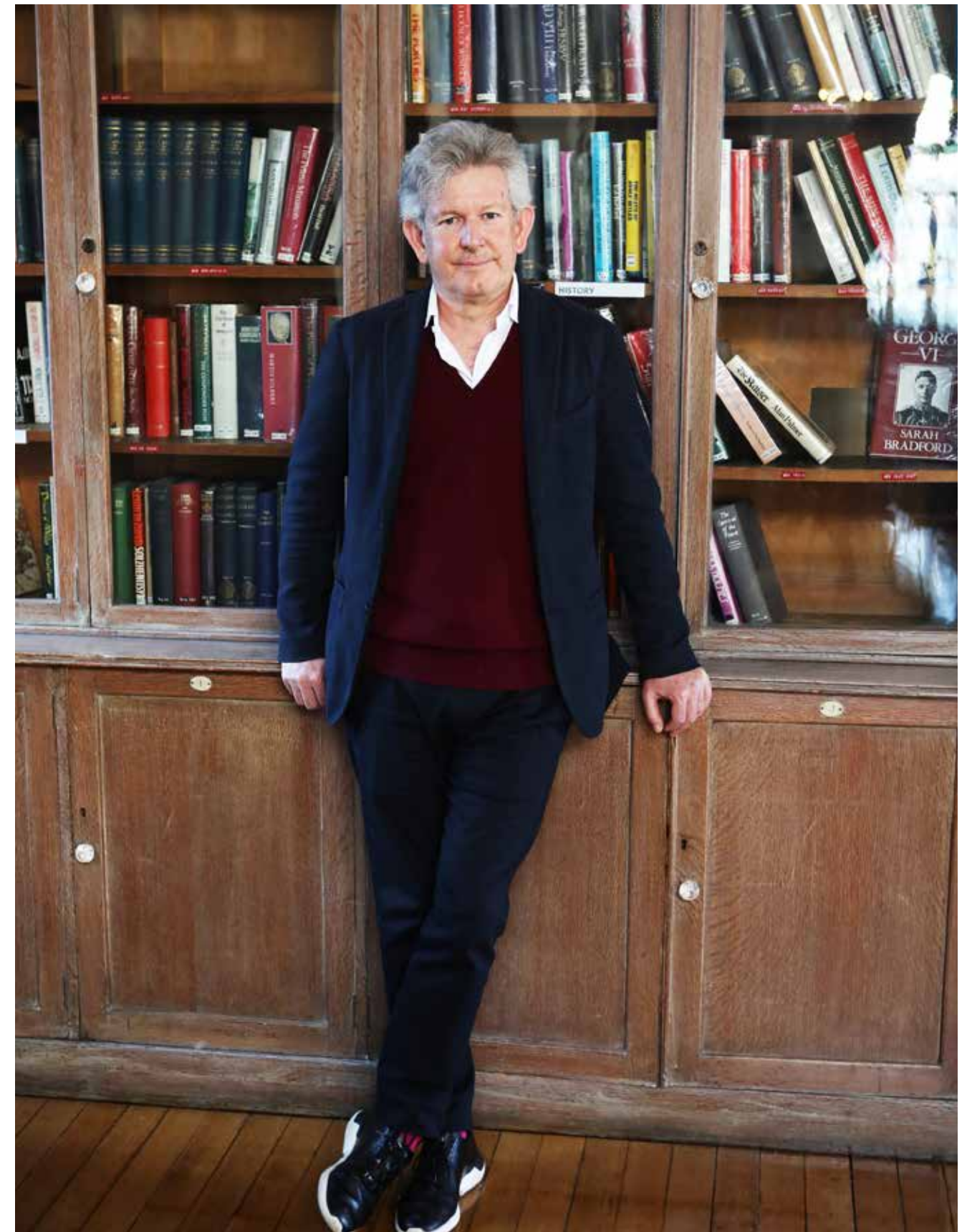
It was a good use of his skill set but, most importantly, it resonated with the primacy that Mears attributes to tax: “I think tax matters. It’s how civilisation works; we live together as a community, so we need to pay for it and the way you pay for it is through taxes.” Moving from the structured environment of a Magic Circle firm to a role in which he had no budget, “just a blank sheet of paper”, meant that, similarly to bootstrapping one’s business, he had to build everything from scratch: “In a big organisation you have the benefit of all the investment that has been made over the years. That’s a huge advantage but what you do lose is that freedom to do whatever you want to do”. Mears’ work with

the advisory panel must have been successful because in December 2018 he was made an Officer of the Order of the British Empire (OBE) for services to preventing abusive tax avoidance. Mears feels great to be honoured for public service and joyfully remembers the day he was invited to the Buckingham Palace to collect the medal from Prince William.

Overall, Mears considers the narrative around tax very poor. “If you were starting from scratch, you probably wouldn’t call it tax. You would call it something like social contribution, you would turn it around”, he suggests and expresses his disapproval about recent references to the sugar tax and “sin taxes”. When it comes to younger generations’ attitudes to tax, though, he’s optimistic and thinks that they are keen on contributing as well as being seen to contribute. Regarding the latter, he illustrates how tax intersects with social psychology with a study by LSE researchers who were trying to find which was more effective: threatening taxpayers with a fine in case they didn’t pay their taxes or informing them that the majority in their area paid tax on time? They found it was the second: “The understanding of social pressures and the feeling that you want to be like all the others were much stronger than a financial penalty.”

As our discussion draws to a close, it seems to me that against the conventional views that a well-thought-out plan is required for professional success, it was mostly external circumstances and opportunities that found Mears, not the other way around. He urges students and recent alumni to stay open to challenges, especially intellectual ones: “They are going to be doing jobs that involve the brain, and the brain is wonderful and adaptable but you need to keep exercising it.” He mentions the LSE100 course and the Public Lecture Programme as opportunities to embrace the breadth of social sciences and encourages them to think as broadly as possible: “You can specialise in a field and as long as you keep your peripheral vision, that’s fine. It’s not binary. [...] Having worked in a specialist area, you will have developed a lot of skills which you may not recognise but others will, and you can then move to something else without problems.”

Next year, Mears’ roles as Chair of the GAAR Advisory Panel and of the LSE Alumni Association come to an end. Apart from playing tennis (his preferred hobby), how does he plan on spending his time? “When I’m currently doing things, I focus on the present, and I am not worried that if you have a period of doing nothing it’s a problem. So, I’m quite happy to have another gap year!”





Reflecting on the ELLM Experience

Words by Barrister, Robert Casale

Many years ago, after a bad grade in law school baffled me, I was reminded of a familiar law school bromide: The “A” students make the professors; the “B” students make the lawyers, and the “C” and “D” students make the money. True enough, but the lawyers who embody the intellectual acuity of the “A” students and the practicality of the “C” students make the difference. The day-to-day practice of law has a way of suppressing the fascination with the legal process that inspired us to become lawyers in the first place.

This is where LSE’s ELLM program comes in. Think of it as a charging station for that part of your brain that is fascinated by complex, nuanced legal problems. The program consists of high-level, concentrated modules taught by faculty who challenge us to think beyond the nuts and bolts of the course. For example, Charlie Webb’s module on commercial remedies does not rehash the basic tenets of contract law. Rather, this module explores the kinds of commercial law issues that find their way to the highest courts in continental and common law systems. Reconciling the views of different judges in different jurisdictions is itself a daunting jurisprudential challenge, exactly the kind of challenge that stimulates us. Make no mistake about it, ELLM modules are not the how-to courses of typical executive programs.

In my view, these modules work because of the in-class time that is devoted to them. Online classes are convenient but are no substitute for in-person interaction with an engaged professor. Twenty-six hours of classroom instruction in a single week makes for an intense—tiring—week. In my view, the LSE faculty who teach these modules are first-rate academics and first-rate teachers who (thankfully) are not averse to continuing the discussion at Coopers or any other suitable institute of higher learning. I look back at the many professors I have had over the years and I cannot imagine more than two or three being able to hold a class’s attention for six hours a day for five straight days as LSE module professors do. Add to the mix the fact that your fellow students tend to be the best and the brightest from all over the world and the recipe for academic success is complete. My colleagues and friends from LSE hail from Greece, China, Canada, Georgia (the country not the state), Virginia (the state), Italy, Brazil and about a dozen other countries. What I have learned from the relationships I made at LSE has enriched my life immeasurably.

I would be remiss if I did not reserve a few words for one of the more endearing facets of the ELLM experience—the 48 hour take home examination. To say that it is a challenge to compose three 2,000 word essays over the span of a weekend, in response to cryptic questions, understates the daunting nature of the challenge. Suffice it to say that it is an experience that must be experienced to fully appreciate.

Transforming Lives Through Law

46 Words by Professor Jeremy Horder & Dr Paul McMahon

2019 marks 100 years since the formation of a 'Department' of Law at the LSE, even though law teaching has been taught here since the foundation of the LSE in 1895. The Department has risen to become a global leader for both research and teaching. In recent times, the Department has been ranked 7th in the world and 1st within the UK for research, and was ranked 3rd in the UK by the *Guardian* for teaching quality in 2017. The international status of the Department is also reflected in the diversity of its staff and students, who come from so many different countries around the world.

The Department is marking its centenary by launching an appeal to help it build on these strengths but also to go beyond them. As many reading this will know, universities are changing rapidly. The appeal has broad aims, but it is worth highlighting four in particular, followed by some of our ideas about how to achieve them.

First, we are committed to continually enhancing the support offered to students outside of the classroom. Life at LSE can at times be highly pressured and competitive, and we recognise the need to do more to build a supportive and inclusive community of students and staff, be it through social events, mentoring schemes or away days and residential trips.

Secondly, as never before, universities face the challenge of ensuring not only that students are well taught, but also that they have the right skills. Our graduates need to show prospective employers that they are confident and responsible enough to play a leading role in the world of work. No longer can meeting that challenge be left solely to extra-curricular activities, vital though these will always be. It is strongly arguable that development of support for students is now the 'third pillar', alongside teaching and research, on which the work of universities is be constructed.

Thirdly, universities must do more to meet society's expectations with regard to diversity. The LSE has a proud tradition of admitting students from every kind of background, but it is clear that persistent gaps remain. An important one is the comparative lack of progression of black and minority ethnic (BME) students, especially

those from the UK, on to PhD programmes. Without a PhD, an aspiring scholar has little or no chance of appointment to an academic post. Consequently, over time, too few BME scholars, especially those from the UK, have progressed on and up the academic 'ladder'. The almost inevitable result has been that academic departments, diverse though they are in many respects, do not fully reflect the societies they serve.

Finally, the Department would like to do more to reach out to international scholars who would benefit from visiting the LSE but whose universities cannot support them financially to do so. Academic freedom is under threat in many countries world-wide, where universities already suffer from severe financial constraints. The Department would like to do more to encourage and support scholars from such countries.

How can these initiatives be supported?

First, in our efforts to build student community and enhance the support available outside of the classroom, we are making increased efforts to provide more and more varied opportunities for students to meet and interact with each other and staff. This year we have introduced a series of 'food for thought' lunches with academic staff focused around the discussion of a particular topic; a 'Law Families' scheme where second- and third-year students mentor first-years and organise social events in smaller family groups; and we ran the first Law Department staff-student football tournament. However, there is lots more that we would like to do this area, for example organising more residential trips away to help students bond early on in their degree programmes.

Secondly, we are deepening our commitment to the all-round development of students' skills and capacities. The Department would like to expand its investment in learning support for students. Beyond what can be provided in the classroom or lecture hall by academic staff, students need or benefit from additional assistance in:

- (a) Conducting legal research;
- (b) Writing essays and answering problem questions;
- (c) Time management and addressing study-related anxiety and similar problems;
- (d) Developing the personal skills needed to become a potential leader in their field;
- (e) Understanding the likely future shape of an IT-led legal services sector;
- (f) Benefitting from opportunities to put knowledge into practice.



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The Law Department has already invested in improvements in this respect. We have appointed Dr Sonya Onwu (who holds an LLB and PhD in law) to lead our legal academic writing skills ('LAWS') programme. The Department was also successful in raising funds to support its mooted programme. We are also working on a substantial upgrade to the Department's provision of opportunities for Pro Bono work.

The Department aspires to build on these initiatives and to become a national and international leader in student support. The Department believes that there is a very significant opportunity here for those who share our commitment to student support to help us achieve that goal. This might come about through the funding of posts dedicated to the goal, the funding of our Pro Bono initiatives, or support for our mooted programme.

Thirdly, in terms of financial support for PhD students, the Department supports aspiring scholars by investing up to a six-figure sum annually from its own resources – a heavy financial burden – to covers fees and maintenance. The Department has a good record of funding BME students, but much more needs to be done.

Fourthly, the Department is very grateful to the Shimizu Corporation for the fixed-term funds that it generously provided over several years to support visiting scholars in the Department. Now that the funding has come to end, the Department is looking to find a new sponsor or sponsors for its visiting overseas scholar programme. One of the Department's priorities is to assist scholars from Universities unable to assist their own academics to study abroad. The Department would like to create a diverse and inclusive 'Global Scholar' programme, the prestige of which would come to be acknowledged around the world.

Jeremy Horder (Head of Department, 2015-2018)

The generosity of alumni, staff and friends of LSE Law will enable us to achieve our "Transforming lives through Law" ambitions. Gifts can be made in a variety of ways. Many alumni and friends choose to support the Department through LSE's regular giving programme, search "LSE regular giving".

You may also wish to discuss making an individual leadership gift with Dee Brecker, LSE Head of Philanthropy, on D.R.Brecker@lse.ac.uk, who can provide guidance on the best ways to partner with the School by matching your own philanthropy with LSE's strategic giving opportunities.



Lawyers' Alumni Group

The LSE Lawyers' Alumni Group comprises alumni of the School who studied law at LSE and/or practise 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 Group has forged strong links with LSE Law and holds a number of events during the academic year including guest lectures, social events, and other opportunities for current students, Department staff and alumni to meet and network.

How to get involved

The group is run by a committee of alumni and also includes representatives from the student body. Membership of the group is free and all alumni of the School are invited to join. If you would like to become a member, please email the Alumni Relations team on alumni@lse.ac.uk

Find out more about the committee at alumni.lse.ac.uk/lag_committee

You can also join us on LinkedIn at [linkedin.com/groups/3713836](https://www.linkedin.com/groups/3713836)



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LLM Group photo

Donations

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The School's regular giving programme is an essential resource that helps LSE to maintain its status as a world class university. The generosity of alumni and friends of LSE enables the School to support essential projects and initiatives on campus every year. Thank you to all Law alumni who have donated in 2018 either to the Department or to other areas of support. To find out more about the impact of your gifts visit: lse.ac.uk/regulargiving or email regulargiving@lse.ac.uk: lse.ac.uk/regulargiving or email regulargiving@lse.ac.uk

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