



Department of
Law

DEPARTMENT OF LAW

Undergraduate Law Options Book

2019/2020

Course Choice opens on Monday 15th July 2019.

**Deadline to choose courses on LSE for You:
Midday on Wednesday 31st July 2018.**

Course choices cannot be guaranteed after this date.

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General advice

This document is intended to help students to select their optional courses for Year 2 and Year 3 of the LLB programme. When selecting courses students should be guided by their own interests and aptitudes and should talk matters over with their Academic Mentor or other members of staff.

There are no compulsory courses in the second year of the LLB and students can choose up to four full-unit courses in total from the Law course options ([page 6](#)).

If you want to obtain a **UK Qualifying Law Degree**, your second year options need to include **LL232 (Law and Institutions of the EU)** and **LL275 (Property II)** (see 'Qualifying Law Degree' in the blue box). If you want to practice law in other jurisdictions, you are advised to check which courses you should take with the relevant institutions.

In the third year there is one compulsory course, LL305 (Jurisprudence). Students can then choose three additional full-unit courses from the Law course options ([page 7](#)).

The process

The Department of Law deadline for selecting your options for 2019/20 is 31st July. You should select your courses as soon as Course Choice opens on Monday 15th July.

Please ensure that you have selected your options online via LSE for You (LFY) by midday on Wednesday 31st July. You must do this to guarantee your law course choices. If you change your mind after the course choice deadline, we cannot guarantee you a place on your changed course. This is why it is so important to meet with your Academic Mentor and discuss all your options.

We are unable to guarantee places on courses hosted by other departments. All departments use LFY for undergraduate course choice but you should also check the process for registering for their courses separately. If you select an outside option, please read 'Non-law options' on [page 4](#).

The Department of Law plans its course sizes around the number of students who have registered for each course by the course choice deadline. This means: if you select

UK Qualifying Law Degree (QLD)

Students who wish to obtain a law degree that provides exemption from some of the professional examinations (BPTC or LPC) in the UK, need to obtain what is described as a Qualifying Law Degree. The regulations pertaining to the Qualifying Law Degree are detailed by the Law Society

[\(http://www.lawsociety.org.uk/\)](http://www.lawsociety.org.uk/)

and the Bar Council

[\(http://www.barcouncil.org.uk/\)](http://www.barcouncil.org.uk/)

These regulations are not the same as those which govern the LLB and other degrees at the LSE, where we offer students greater flexibility.

In order to obtain a Qualifying Law Degree, it is necessary to take the following subjects:

Law and Institutions of the European Union (LL232)

Property Law II (LL275)

The rules in other jurisdictions vary, and students are advised to check the requirements with the relevant bodies.

One point to bear in mind is that there are no September re-sits in law subjects in the final year. Under the Classification Scheme for the LLB a student who fails one subject in year 3 might still be awarded a degree but, if that fail was in EU or Property II, the degree might not constitute a Qualifying Law Degree.

<http://www.lse.ac.uk/resources/calendar/academicRegulations/bachelorOfLaws.htm>

Therefore, should you wish to take LL232 and LL275, you are advised to do so in second year.

your options by the deadline you will be guaranteed a place on any law course you choose except those which are pre-capped. These courses will be filled on a first-come-

first-served basis. After the deadline, the Department will place caps on all courses according to the number of students on each course. A list of pre-capped courses will be made available on the LLB Moodle page in late June.

If you make your choices on LFY after the deadline **we cannot make any exceptions** to give you a place on full courses and you will need to find other courses to take that are not full.

After the deadline, you will still be able to make changes to your options via LFY until Michaelmas Term 2019 (usually end of Week 4) if there are places available (although most courses will be full by this point). If you do make any changes after the deadline, the Department cannot assist if there are any problems as a result. For example, if you leave one option and move to another, then decide you want to change back to your original option but there are no places, the Department will not be able to reinstate your place. Please therefore think carefully before making any changes to your course choices after the deadline.

LSE for You: In previous years students have claimed that they selected their course choices well before the deadline however LFY had no record of them having done so. Therefore, please ensure that after you have selected your courses, you **confirm** them. For instructions on how to choose your courses, please watch the LFY tutorials: <https://lfy.lse.ac.uk/lfy/ap/lfy2/html/selectStudentTutorial.html>

Deadline to choose courses on LSE for You is midday on Wednesday 31st July.

Choices cannot be guaranteed after this date.

Course availability

The courses that are taught in any particular year depend on a number of variable factors, including staff changes and sabbatical leave. Occasionally options are added, temporarily suspended or withdrawn. See pages 6 and 7 for [second](#) and [third](#) year courses
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respectively.

If courses are added, suspended or withdrawn, we will try to notify students in advance where possible. If the number of students choosing a course is too few; a subject may be withdrawn at short notice. If this happens, the students affected should consider the alternative of writing a full or half-unit dissertation on that topic.

All course outlines in this book are subject to minor updates/amendments in accordance with updates in the field and are to be used merely as a guide in the selection of courses.

Full-unit/half-unit courses

As the Classification Scheme for the LLB (<http://www.lse.ac.uk/resources/calendar/academicRegulations/bachelorOfLaws.htm>) shows, some courses have the value of one full-unit and others have the value of a half-unit. A student who chooses a course from the list of half-units must make up the number with another half-unit to make one full-unit. A student may do this by either (i) choosing another half-unit, or (ii) writing a half-unit dissertation (LL398) on an approved legal topic, to be approved by the Chair of Examinations.

Dissertation (LL398/LL399)

Students have the option to do a full-unit (15,000 words – LL399) or half-unit (8,000 words – LL398) dissertation.

The full-unit dissertation can only be taken in the third year when students are better prepared for it. The half-unit dissertation should be taken in third year but in exceptional circumstances permission may be sought to take it in second year.

Students wishing to do either a full or half-unit dissertation **should first consult their Academic Mentor** in the preceding Summer Term about:

- i. whether a dissertation is a suitable option for the student;
- ii. the particular dissertation topic;
- iii. who might be an appropriate dissertation supervisor.

Because this option requires considerable

independent study, it is generally not advisable to opt to write a full-unit dissertation unless the student has been achieving marks of an upper second class standard. *The dissertation subject must be of a suitable academic character that has not already or will not have been explored in depth in any taught course taken by the student but is related to subjects taught in the School.*

In light of discussions with their Academic Mentor, a student wishing to pursue this option should approach a potential supervisor for approval. Once they have their supervisor's approval, students should select the relevant dissertation course on LFY. They will then need to complete the 'Dissertation topic approval form' (available on [LLB Dissertation Moodle page](#)) which needs to be signed off by the student's proposed Dissertation Supervisor, Academic Mentor and the Chair of Examinations. This should be submitted to the LLB Team in NAB 6.01 by the end of Week 4 of Michaelmas Term, 16:00.

Including the initial meeting, students will have four support meetings with their supervisor to guide them through the research process as follows:

- i. One initial meeting to establish the broad topic.
- ii. A second meeting to agree a title, review an outline and see an initial bibliography.
- iii. A third meeting to discuss progress and difficulties (optional for half-unit essays).
- iv. A fourth meeting to give feedback on progress to date, to take place before the end of the Lent Term. In order for this feedback meeting to be of use, students will need to have made substantial progress with the preparation of a draft dissertation by the middle of the Lent Term. It is the student's responsibility to arrange these meetings with the supervisor.

Dissertations are normally submitted on the first day of the Summer Term of the academic session in which the dissertation is being written. There is discretion for an additional oral examination on the subject-matter of an essay which "may extend to cover the wider background aspects of the essay".

Clashes

It is inevitable that some lectures, seminars and classes take place at the same time as others. Every effort is made to minimise the inconvenience caused by this, but when it does happen, it is not possible to take two clashing courses.

The list below sets out the probable clashes for 2019/20. These are based on the existing clashes for 2018/19 and can only provide a guide for likely clashes. Final timetable arrangements will not be available until September 2019. Students are therefore asked to choose courses on the basis of the list of existing clashes unless they have strong reason for doing otherwise. See possible clashes below:

Possible clashes:

LL201 – LL204

LL202 – LL212

LL207 – LL251, LL278, LL295

LL212 – LL202

LL221 – LL259, LL293

LL242 – LL272, LL293, LL300

LL250 – LL207, LL251, LL278, LL295

LL251 – LL207, LL250, LL295

LL259 – LL221, LL293

LL272 – LL242, LL293, LL300

LL278 – LL207, LL250, LL251

LL293 – LL221, LL242, LL259

LL295 – LL207, LL250, LL251,

LL300 – LL205, LL242, LL272

Non-law options

Students can take one full-unit or two half-unit non-law option(s) in either second or third year.

A list of courses available as outside options are available at:

http://www.lse.ac.uk/resources/calendar/programmeRegulations/undergraduate/2014_outsideOptions.htm

Please note that students who have done A levels in Economics are not permitted to enroll in EC100. They may only enroll in EC102.

Students will need the consent of their Academic Mentor and the teacher responsible for the course selected. It is advisable to get the consent of the teacher first, since if that is not forthcoming (because for instance, the student lacks some relevant academic qualification or the course is full), the consent of the Academic Mentor will not be necessary. Further to this, **those courses that require permission from conveners may not display on your LSE for You course choice screen.** If this is the case, you will need to take evidence of the convener's permission to your Academic Mentor, who can request that you are manually entered onto the course.

It is important that students are aware of the potential difficulties in taking non-law options. These include:

Timetable constraints: Students must accept that timetable clashes may occur and that if this happens there is no way that the timetable can be altered. A student may be able to arrange to be moved from one class to another however lecture courses are fixed and cannot be shifted to accommodate individual student needs.

August re-sits: This year there will be August re-sit examinations for all first year courses across the School so if you fail a first year outside option you will be able to resit it and continue into the next academic year. However if you fail a second year non-law course you may have to take the exam again the following summer. This may mean that you have to defer your law studies for a year unless you manage to obtain the consent of the Repeat Teaching Panel to carry an extra subject into the third year. This consent will

only be granted exceptionally, and cannot be guaranteed.

Section 5.6 of the Classification Scheme: 'A candidate whose marks include a mark gained in a non-law course and who would normally be classified in a particular class, division or pass grade under rule 5.1.2., 5.2.2, 5.3.2, 5.4.2, or 5.52 [the "normal aggregate" rules] will not be so classified where the examiners consider that it would be inequitable to do so.'

This does not mean that the Department of Law does not encourage students to take courses from other departments should they wish to. It merely means that, in the rare circumstance that a student happen to be on the boundary between classes and the mark from the outside option is significantly higher or lower than the average marks in the law courses (such that those marks significantly distort the aggregate for better or worse), the exam board may award in line with the classification indicated by the law courses rather than by the aggregate which has been distorted by the non-law option, being that your degree classification indicates your competence in law (see Appendix on page 44 for examples of this rule).

In view of these considerations, you are strongly advised to consider your choice carefully and to discuss the issues with your Academic Mentor.

Hong Kong Students

Hong Kong students are strongly encouraged to take LL232 Law and Institutions of the EU.

While this is not necessary to practice law in Hong Kong, many Hong Kong companies do business with the EU so it is a useful course.

Also, taking LL232 will allow you to practice law in the UK in the future if you change your mind at a later date. Previous students have decided to work in the UK but have been caught out by not having a Qualifying Law Degree.

Intercollegiate courses

In second and third year, at the discretion of the School and with the permission of the college concerned, a candidate may be permitted to take (as one of the four units required under this regulation) an undergraduate law course taught at another University of London college, which is deemed to be of equivalent value to one full-unit LSE law course.

Candidates cannot in principle take non-law courses at other colleges. Students cannot take a course at another college that is being taught at LSE that academic session. Students must make their own enquiries as to what is available and whether they will be accepted on a course at another college. Students wishing to take a law course at another college must fill out an Intercollegiate Application form, which is available from the Student Services Centre.

If you are interested in taking an intercollegiate course please contact law.llb@lse.ac.uk in case we have information on college specific processes.

Information for non-law students

If you are a non-law student but you would like to take a law course as an option in 2019/20, please note that you need to follow the process outlined on page 1 of this document. You may also need to request permission to take those courses which stipulate that 'Second and third year non-law students can take this option, regulations permitting, but must gain the permission of the course convener or variant thereof. In such instances these course will not display on the LSE for You screen and the student should discuss taking the desired course with their academic mentor, who can confirm the convener's permission and request that you are manually entered on the course, BEFORE the deadline.

Contact us

If anything is unclear in the Undergraduate Law Options Book, please contact law.llb@lse.ac.uk. For advice on course options, always contact your academic mentor in the first instance.

Options available for Year 2

The Year 2 examinations are held in May/June. There is also a resit examination period in August. If a candidate is unable to sit the May/June examination for a good cause and upon supplying documentary evidence, they may exceptionally be permitted by the School to sit their examinations in the resit period of the same year.

There are no compulsory courses but, if you wish to obtain a Qualifying Law Degree, you are advised to take LL232 and LL275 in your second year.

A candidate is required to satisfy the examiners in courses to the value of **four full-units** from the following list:

Full-unit courses	
LL201	Administrative Law – course suspended for 2019/20
LL202	Commercial Contracts
LL203*	Law of Business Associations (Company Law)
LL204	Advanced Torts
LL205	Medical Law
LL207	Civil Liberties and Human Rights
LL210	Information Technology and the Law
LL212*	Conflict of Laws
LL221	Family Law
LL232	Law and Institutions of the European Union
LL233	Law of Evidence
LL241	European Legal History
LL250	Law and the Environment
LL251*	Intellectual Property Law
LL253*	Law of Corporate Insolvency – course suspended for 2019/20
LL257	Employment Law
LL259	Legal and Social Change Since 1750
LL275	Property II
LL278	Public International Law
LL293	Tax and Tax Avoidance
LL295	Media Law
LL301	Global Commodities Law – course suspended for 2019/20
AN226	Political and Legal Anthropology
Half-unit courses	
LL272	Outlines of Modern Criminology
LL284	Topics in Sentencing and Criminal Justice
LL398	Half-unit dissertation on an agreed legal topic. This may only be taken in Year 2 in exceptional circumstances and with the permission of the Departmental Tutor.

* Although second year students are permitted to take these courses, it is recommended that they take them in third year.

Options available for Year 3

You must take LL305 Jurisprudence in your third year, along with courses to the value of **three full-units** from the following list:

Full-unit courses	
LL201	Administrative Law - course suspended for 2019/20
LL202	Commercial Contracts
LL203	Law of Business Associations (Company Law)
LL204	Advanced Torts
LL205	Medical Law
LL207	Civil Liberties and Human Rights
LL210	Information Technology and the Law
LL212	Conflict of Laws
LL221	Family Law
LL232	Law and Institutions of the European Union
LL233	Law of Evidence
LL241	European Legal History
LL242	International Protection of Human Rights
LL250	Law and the Environment
LL251	Intellectual Property Law
LL253	Law of Corporate Insolvency - course suspended for 2019/20
LL257	Employment Law
LL259	Legal and Social Change Since 1750
LL275	Property II
LL278	Public International Law
LL293	Tax and Tax Avoidance
LL295	Media Law
LL300	Competition Law
LL301	Global Commodities Law - course suspended for 2019/20
LL342	International Protection of Human Rights
LL399	Full-unit dissertation. This cannot be taken in the same year as LL398.
AN226	Political and Legal Anthropology
Half-unit courses	
LL272	Outlines of Modern Criminology
LL284	Topics in Sentencing and Criminal Justice
LL398	Half-unit dissertation on an agreed legal topic. This cannot be taken in the same year as LL399.

LL202 Commercial Contracts

Teachers responsible: Dr Jo Braithwaite, Prof Michael Lobban, Dr Paul MacMahon (Co-Convener), Dr Nick Sage, Dr Joseph Spooner (Co-Convener).

Teaching: A weekly two-hour lecture, and accompanying one-hour small group classes.

Availability: This course is available to students who have completed Law of Obligations LL104.

Outline: LL202 Commercial Contracts is a study of the general principles of English law governing commercial contracts. It approaches the topic in two parts. Part 1, '*Fundamentals of Commercial Contracting*' is effectively a study of advanced contract law, and examines several important aspects of, or themes in, the law's regulation of commercial contracting. The topics are chosen because of their intrinsic interest, and because of the opportunity offered for an advanced contextualised examination of contract law. This part explores essential aspects of contract law such as contractual interpretation and the doctrines of mistake and frustration. Other topics include pre-contractual negotiations, multi-party transactions, and agreed remedies. Part 2, '*Fundamentals of Commercial Law*' examines core topics in commercial law, offering students an overview of the most significant areas in this field. It focuses on sales contracts; money, banking and payment methods; credit and secured transactions; agency; assignment; commercial dispute resolution; and international commercial contracts.

Topics are likely to include:

Part 1 – Fundamentals of Commercial Contracting

- The interpretation of contracts.
- Pre-contractual duties and the obligation to negotiate contracts in good faith.
- Mistakes in contracts and frustration of contracts.
- Multi-party projects (privity of contract).
- Agreed remedies.

Part 2 – Fundamentals of Commercial Law

- Agency.
- Assignment.
- Contracts for the sale of goods.
- Credit and security.
- Banking contracts, money, and (international) payment methods.
- Commercial dispute resolution and international commercial contracting.

Formative coursework: Two formative (unassessed) essays in Michaelmas Term.

Assessment: One summative assessment in Lent Term; one three-hour examination in Summer Term.

Indicative reading: For the advanced contract law portion of the course, you have the same choice of main text that you had for LL104: Chen-Wishart, *Contract Law*, (5th edn, OUP 2015) or McKendrick, *Contract Law* (12th edn, Palgrave 2017). Up-to-date casebooks include Burrows, *A Casebook on Contract*, (5th edn, Hart Publishing 2016) and McKendrick, *Contract Law: Text, Cases and Materials* (8th edn, OUP 2018).

For the commercial law topics, the main textbook is McKendrick (ed.), *Goode on Commercial Law* (5th edn, Penguin 2017). For cases and materials, you might find useful Clarke, Hooley, Munday, Sealy, Tettenborn, and Turner, *Commercial Law: Text, Cases, and Materials*, (5th edn, OUP 2017). For topic overviews, you may also wish to try Burrows (ed.), *English Private Law* (3rd edn, OUP 2013), available online through the LSE Library website.

LL203 Law of Business Associations (Company Law)

Teachers responsible: Associate Professor Eva Micheler (Convener), Dr Elizabeth Howell, and Visiting Prof. Leslie Kosmin, QC.

Teaching: 40 lectures, MT and LT. There is one two hour lecture each week. The lecture is accompanied by five two-hour seminars in MT and LT and two revision seminars in ST, which follow the lectures closely. Reading lists provided by the lecturer in each topic are used as the basis for seminar work. Please note that lectures may not be recorded.

Availability: Although this course is open to second and third year law students, experience suggests that third years are more successful. It is helpful to have studied or be studying Property II, but this is not a formal pre-requisite. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

Outline: This course examines the nature of the legal vehicles available for the carrying on of entrepreneurial activities, paying particular attention to the analysis of companies. It examines the core features of the company. These are: separate legal personality, limited liability, centralised management, the allocation of control rights, and free transferability of shares. The course analyses how the law implements these features and the policy trade-offs among them.

We analyse the relationship between various groups with an interest in the affairs of the company – shareholders, directors, managers, financiers, trade creditors, employees, consumers and regulators - and the balance of power between them. The course looks beyond purely technical legal issues and encourages a critical examination of the system and proposals for reform.

Registered companies are creatures of statute and close attention to the Companies Act 2006 and related legislation is essential. However, no attempt is made to deal with all, or even most, of the complex technical aspects of the legislation and non-statutory regulation. The course concentrates on the problems and policies underlying the legislation, with some more detailed consideration of selected provisions. The influence of European Directives and Regulations on UK company law is also reflected.

Despite the importance of statute, common law and equitable principles have played a major role in the development of company law by the courts. This has relied heavily on principles of agency and the equitable principles relating to fiduciaries. Case analysis is therefore a major element of the course. Excellent case books are available.

This subject covers a wide range of businesses - from the one-person firm (the local greengrocer or plumber) to family companies, to major multinational groups listed on the Stock Exchange. This wide coverage plus the policy emphasis means that this course should appeal to all students with an interest in the economic, social and political aspects of business organisations and not only to those wishing to practise commercial law.

Topics usually covered are:

- Introductory concepts and themes including limited liability and corporate personality.
- Capacity of companies & the powers of individuals acting for companies.
- Shares and share capital.
- Directors: powers, duties and corporate governance issues.
- The role of shareholders in companies: rights, decision-making and governance.

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: One three-hour examination in the summer term. An approved version of the relevant legislation may be taken into the examination.

Indicative reading: Detailed lists will be provided during the course. The primary recommended text is: Brenda Hannigan, *Company Law* (5th edition, 2018). We also recommend: Gower and Davies, *Principles of Modern Company Law* (10th edn, 2016); Sealy and Worthington, *Cases and Material on Company Law* (11th edn, 2016).

LL204 Advanced Torts

Teachers responsible: Dr Emmanuel Voyiakis (Convenor), Dr Paul MacMahon, Dr Nick Sage, Professor Charlie Webb.

Teaching: Our course is taught in weekly seminars.

Prerequisites: You must have completed the Law of Obligations course (LL104). Non-Law students may take this option, regulations permitting, with the convenor's advance permission.

Outline: If you liked Obligations, you are going to love this. Advanced Torts aims to broaden and deepen your knowledge of tort law in two ways. First, we look at a range of important torts that are not covered in the Obligations course. Second, we tackle the 'big' theoretical questions of tort law. You will emerge from the course not only with a better understanding of the rules and principles that govern specific torts, but also with the ability to engage critically with different views about the overall purpose and the moral and social function of tort law.

Core syllabus: Here are some topics we usually cover:

- Theories of tort law: what is the aim of tort law, and do judges need a theory of it?
- Corrective justice vs economic theories of tort law
- Tort law, moral responsibility and luck
- Tort law and the 'compensation culture'
- The position of public authorities in negligence
- Tort actions for unwanted pregnancy/birth & children born with disabilities
- Strict liability regimes: liability for ultra-hazardous activities; liability for defective products; the justification of strict liability.

Formative coursework: At least one formative essay per term.

Assessment: One three-hour examination in the summer term.

Indicative reading: If all goes according to plan, the depth we will attain in the course and the focused nature of our reading lists for each topic will make textbooks redundant, or at least useful only as a basic introduction to the issues we will be covering. This means that the tort textbook you may have purchased for the LL104 Law of Obligations course will probably be good enough for our purposes. Here are some other introductory or general texts that you might like to consult from time to time, just to get a different perspective on things, and some more advanced or specialized books from which we will be setting reading for certain topics:

General Texts: W E Peel & J Goudkamp, *Winfield & Jolowicz on Tort* (14th ed., 2014); N J McBride & R Bagshaw, *Tort Law* (4th ed., 2012); B A Hepple et als., *Hepple and Matthews' Tort Law: Cases and Materials* (7th ed., 2015); S Deakin, A Johnston & B Markesinis, *Markesinis and Deakin's Tort Law* (7th ed, 2012).

Advanced/Specialised Texts: Arthur Ripstein, *Private Wrongs* (2016); Emmanuel Voyiakis, *Private Law and the Value of Choice* (2017); Ernest Weinrib, *The Idea of Private Law* (1995); David Owen (ed.), *Philosophical Foundations of Tort Law* (1997); Robert Stevens, *Torts and Rights* (2007); Jules Coleman, *Risks and Wrongs* (2002); Guido Calabresi, *The Cost of Accidents: A Legal and Economic Analysis* (1970); John Oberdiek, *Philosophical Foundations of the Law of Torts* (2014); Nicolette Prialux, *The Harm Paradox: Tort Law and the Unwanted Child in an Era of Choice* (2007).

5); David Owen (ed.), *Philosophical Foundations of Tort Law* (1997); John Oberdiek, *Philosophical Foundations of the Law of Torts* (2014); Nicolette Prialux, *The Harm Paradox: Tort Law and the Unwanted Child in an Era of Choice* (2007).

LL205 Medical Law

Teacher Responsible: Professor Emily Jackson (Convener)

Teaching: This is a full-unit course. There are weekly lectures (two hours) and weekly classes (one hour).

Availability: LLB second and third year students, and B.A. Anthropology and Law. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

Outline: Medical law is a rapidly developing and increasingly important subject. The rationing of expensive new drugs, and the future of the NHS have become central political issues. New technologies, such as genome editing, egg freezing and face transplants, are invariably accompanied by demands for their regulation. In this course we examine the legal framework within which health services are provided, and we explore some of the difficult legal and ethical dilemmas that arise when determining the limits of medical innovation.

Subjects include resource allocation; public health; malpractice litigation; consent; mental capacity; mental health law; confidentiality; clinical research; the regulation of medicines; organ transplantation; embryo and stem cell research; abortion; assisted conception; preimplantation genetic diagnosis; surrogacy and assisted dying.

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: In 2018-19, this course was examined via a 5000 word essay and a take home exam (in which students wrote one essay). There is no intention to return to a three hour unseen exam in this subject, but the details of the diversified assessment are under review for 2019-20. We will inform you of the outcome of this review as soon as we can.

Indicative reading: Jackson, *Medical Law: Text, Cases and Materials* 5th edition (Oxford UP, 2019).

LL207 Civil Liberties and Human Rights

Teachers responsible: Dr Kai Möller (Convener), Professor Conor Gearty, Professor Tom Poole.

Teaching: This is a full-unit course of 20 seminars.

Availability: Available to LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course convener. **This course is capped at 50.**

Outline: The course provides a challenging introduction to human rights law. The first term starts by focusing on the UK Human Rights Act, setting out a theoretical perspective on civil liberties before considering the common law approach to liberty and then analyzing in depth how the Human Rights Act impacts on the protection of civil liberties and human rights in this area. In the second half of the first term and the first half of the second, the focus shifts to the European Convention on Human Rights with an in-depth analysis of the case law on several important rights, including but not limited to freedom of expression, freedom of association, freedom of religion, the right to respect for private life, and freedom from torture and inhuman or degrading treatment or punishment. The second term ends with a review of the interrelationship between the Human Rights Act and the Strasbourg system, and also deals with the extra-territorial reach of the Act and its impact on UK national security/anti-terrorism law. The course builds on the knowledge that students have acquired in Public Law in year one. Note that students must engage with the law of two legal systems here: the European Convention on Human Rights and U.K. law.

The course takes a highly analytical approach; it will not be sufficient to approach the issues in a descriptive, “black letter” way. Rather, an overall aim is to enable students to critically assess the European Court’s and the U.K. Supreme Court’s arguments about the compatibility of a policy or administrative decision with human rights and the particularities of human rights adjudication within the U.K. legal system. To this end, the course will focus on the necessary doctrinal and conceptual framework – such as positive obligations, the margin of appreciation and proportionality –, an overview of the relevant case law, and in-depth analysis of selected problems in human rights law.

This course does not touch upon strategic or policy issues (such as the most effective ways to promote human rights, NGO practices, etc.); rather it focuses on the controversial and often difficult moral and political issues that arise in human rights adjudication and on unravelling the implications of the particular way in which U.K. law has incorporated the ECHR. Regard will however be had to the current argument over whether or not the Act should be repealed.

The teaching of this course is mainly case-based. To complete it successfully, students must prepare for each seminar by reading and thinking through the relevant cases; the seminars will be conducted on the basis of the expectation that the students are familiar with the materials. There is no comprehensive textbook available for this course.

Syllabus: Theoretical aspects of human rights and their judicial enforcement; the Human Rights Act 1998; human rights and parliamentary sovereignty; human rights and standards of review; human rights and the common law; precedent and human rights law. The right to freedom from torture and inhuman or degrading treatment; freedom of expression; freedom of association and ‘militant democracy’; freedom of religion; the right to respect for private and family life.

Formative coursework: One formative essay per term.

Assessment: One three-hour examination in the summer term.

Indicative reading: For European Convention law there exists no textbook which deals with the issues in adequate depth, but interested students may want to take a look at Harris, O’Boyle and Warbrick, *Law of the European Convention on Human Rights* 4th edn (OUP, 2018) for an overview.

For the more theoretical aspects of the course, see Kai Möller’s *The Global Model of Constitutional Rights* (OUP 2012; paperback edition 2015). For the UK side, representative works include Conor Gearty, *Civil Liberties* (OUP, 2007), Tom Hickman, *Public Law after the Human*

Rights Act (Hart, 2010), Aileen Kavanagh, *Constitutional Review under the UK Human Rights Act* (CUP, 2009), and (more recently) Conor Gearty, *On Fantasy Island. Britain, Strasbourg and Human Rights* (OUP, 2016).

LL210 Information Technology and the Law

Teachers responsible: Dr Orla Lynskey

Teaching: This course will be taught by one two-hour lecture and one class per week.

Availability: Year 2 and 3 LL.B.; B.A. Anthropology and Law. It is also available as an outside option to second and third year students where regulations permit and with the permission of the course teacher.

Outline: This survey course enables students to assess critically a selection of fundamental legal issues in the field of Information Technology (IT) Law. It begins by introducing students to key debates in IT and internet governance: do we need distinct legal rules to regulate IT? Who does, and should, control the Internet? Is and should the Internet be a 'neutral' network? Once students are equipped with this knowledge of Internet governance and the challenges this poses for the law, we consider how the law has responded to the challenges of IT and the extent to which legal issues have shaped the development of information society policy. This will be done through a detailed examination of topics such as online data protection, computer misuse and hacking and freedom of expression.

The focus will initially be on English law, although the global nature of IT law means that there are strong EU and US legal influences upon the English system. Therefore, comparative aspects will be introduced in places, and readings will include materials drawn from, amongst others, US law journals.

This course does not require an in-depth understanding of contemporary information technology – we are primarily interested in the legal implications of the use of IT, and the intended and unintended consequences of regulating that use.

Aims and Objectives: At the end of the course, students should be able to:

- Critically evaluate ongoing developments in law relating to IT;
- Display an understanding of how these developments relate to one another;
- Examine areas of doctrinal and political debate surrounding rules and theories;
- Evaluate those rules and theories in terms of internal coherence and practical outcomes;
- Draw on the analysis and evaluation contained in primary and secondary sources.

Indicative Content: For a more detailed outline of the syllabus visit the course's Moodle page.

Part I: Internet Governance

- An Introduction to IT Law
- Digitisation and the Information Society
- Regulating the Digital Environment
- Net Neutrality

Part II: Data Protection and ePrivacy

- Introduction to Data Protection
- The Application of the Data Protection Rules Online
- AdTech, Profiling and ePrivacy
- State Surveillance and Communications Interception

Part III - Online Freedoms

- Cyber Speech and Free Expression online
- Cyber-defamation
- Filtering, Ranking and Digital Speech Management

Part IV – Digital Culture and Intellectual Property Rights

- Copyright in the Digital Environment
- Digital Creatives and Copyright Law
- Trade Marks and Domain Names

Part V – Computer Crime

- Computer Misuse
- Criminal Speech in the Information Society
- Policing for the Future: Legal Challenges

Part VI – Current Issues in the Digital Economy

- The Emergent Legal Issues of the Sharing Economy
- Robotics, Risk and Ethics
- Regulating Decentralised Networks: Blockchain and Beyond

The above is the provisional 2019/20 programme. Due to the fast changing nature of this subject changes may occur to the syllabus at any time.

Course Materials and Online Support: This course is supported by both a Moodle support page and a class Facebook discussion group.

Assessment: Students will be asked to complete a portfolio of short reports in the style of blog entries or commentaries throughout the year. The portfolio will consist of three 1000 word short reports, two of which will be submitted in Michaelmas Term and one in Lent Term. The best two entries into the portfolio will be recorded (the third entry will be discarded) and will make up 40% of the overall mark. The remaining 60% of the overall mark will consist of a single take-home exam question in the Summer Term which students will be required to answer in 8 hours. This exam question will take the form of an extended practical case study. Students will be provided with specific guidance on how to approach both the portfolio pieces and the take home examination before completion of this work.

Indicative reading:

Murray: *Information Technology Law: Law and Society 4th ed* (Oxford: OUP, 2019) (Recommended for purchase).

Lloyd: *Information Technology Law 8th ed* (Oxford: OUP, 2017).

Lessig: *Code and Other Laws of Cyberspace ver.2.0* (New York: Basic Books,2006).

Suggested Initial Reading:

Reed: *Computer Law 7th ed.*, Introduction.

Murray: *Information Technology Law: Law and Society 3rd ed*, Ch.1.

LL212 Conflict of Laws

Teacher responsible: Dr Jacco Bomhoff (Convener). Please note: Seminars in Michaelmas Term 2019 will be taught by Dr. Paul MacMahon and Dr. Rishi Gulati.

Teaching: 20 two-hour seminars

Availability: This course is open to second and third year law students. Interested students may wish to consider taking this course as an option in their third year. That said, over the past years many second year students have taken this course without any problems. The only required background understanding relates to (English) law of obligations. Basic issues of EU law relevant to the course will be covered in class. It is also available as an outside option to third year students where regulations permit and with the permission of the course teacher.

Outline: Conflict of laws – also known as private international law – is the area of law concerned with private law cases that cross borders. Conflict of laws differs from public international law in that it deals with transactions between private individuals, rather than with those directly implicating States or international organizations.

What rules should an English court apply to a contract between companies from different countries, or to a tort claim arising out of an environmental disaster abroad? Should foreign celebrities be allowed to sue in the English courts when they feel they have been defamed in an article posted on an American website? Should the English courts recognize judgments from other countries, even when they conflict with English ideas of right and wrong? It is questions like these that make up the subject of the conflict of laws.

The field's central technical questions are (1) jurisdiction (will an English court or a foreign court hear the case?), (2) choice of law (should the court apply its own law or that of a foreign country?), and (3) the recognition and enforcement of foreign judgments. During the course, these three questions will frame reflection on a range of topics, including commercial/practical issues (how can companies structure their cross-border transactions?), but also questions of a more political nature (to what extent should States be able to regulate matters beyond their own borders?) or with a strong social/cultural dimension (how should foreign cultural values be accommodated in English law?).

Although conflict of laws has a long history within English law, for some areas many of the relevant rules have changed dramatically in recent years under the influence of EU legislation and case law. This means that conflict of laws should also be of particular interest to those wishing to study the interaction of English law and European law. To the extent that some of these rules will change after Brexit, the course will also look at these new developments.

During the course, we will look at (1) jurisdiction in international commercial litigation under the traditional English rules and under European law, (2) choice of law issues in contract and tort, (3) recognition and enforcement of foreign judgments under European rules and at common law, and (4) comparative aspects and theoretical foundations of conflict of laws (looking at US and Canadian law in particular).

Most of the material for this course (cases, literature extracts, text, and further reading references) is contained in a Course Reader which is uploaded in instalments on the course Moodle page.

Syllabus

- Jurisdiction of English courts under the traditional English rules for actions *in personam*: Service of a claim form within the jurisdiction & out of the jurisdiction, choice of court clauses, stay of proceedings, restraining foreign proceedings (anti-suit injunctions).
- Jurisdiction of English courts and courts in other EU Member States under European Union Council Regulation 1215/2012, with attention also to the expected position after Brexit.
- Recognition & enforcement of foreign judgments at common law and under European Union rules, with attention also to the expected position after Brexit.

- Choice of law relating to contracts under the Rome I Regulation: Interpreting choice of law clauses in contracts, applicable law in absence of choice, overriding mandatory rules, public policy, foreign illegality in English law.
- Choice of law relating to tort under the Rome II Regulation, older English approach, 'interest analysis' and other approaches of the 'US conflict of laws revolution'
- Comparative conflict of laws & Theoretical foundations

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: One three-hour written examination in the summer term.

Indicative reading: Briggs, *The Conflict of Laws* (3rd ed., Oxford University Press, 2013); Cheshire, North & Fawcett, *Private International Law* (15th ed., Oxford University Press, 2017)

Resources: www.conflictoflaws.net (Topical references, cases and reviews)

LL221 Family Law

Teacher Responsible: Sarah Trotter (Convener).

Teaching: 20 hours of lectures and 10 hours of classes in the MT. 20 hours of lectures and 10 hours of classes in the LT. 2 hours of lectures and 1 hour of classes in the ST.

Week 6 of MT and Week 6 of LT will be reading weeks.

Availability: This course is available on the BA in Anthropology and Law and LLB in Laws. This course is available with permission as an outside option to students on other programmes where regulations permit. This course is available to General Course students.

Outline: Family law is a fascinating and important area of law, not only because it is about the regulation of our most intimate relationships and about the effect of this regulation on those relationships, but also because it tells us a great deal about the society in which we live and the State. It is a brilliant time to be studying family law in this respect: in the past year alone the Government has announced that opposite-sex couples will soon be able to obtain civil partnerships (currently restricted to same-sex couples); the Supreme Court has handed down landmark judgments in areas ranging from divorce law to Widowed Parent's Allowance; and the Law Commission has embarked on a review of surrogacy law. And that is before we come to other significant developments, such as those in relation to assisted reproduction techniques and enabling embryos to be created using the DNA of three people; calls for civil partnership to be extended to cohabiting siblings; and calls for a 'rights for grandparents' law. These developments offer a glimpse into just how fast-moving an area family law is; and it is in part this fast pace that makes family law such an exciting subject to study.

At the same time, family law is also a challenging area of law, and this is not least because it is in family law that we encounter some of the most complex and multifaceted problems facing families and individuals. During the course, we explore such questions as: how should the family justice system support those who have no legal advice and representation as a consequence of cuts to legal aid? What is the point of divorce law? How should finances and property be distributed on relationship breakdown? Should cohabiting siblings be able to have a civil partnership? Who should be the legal parents where four friends decide to conceive a child who will be cared for equally by all four of them? In what circumstances can a local authority legally intervene to remove a child from his or her family? How should the State respond to domestic violence and abuse? What should be done if a woman conceals her pregnancy and wishes for the baby to be taken into State care without the knowledge of the baby's genetic father? If you are interested in thinking through questions of this sort and in embarking on a broader inquiry into how and why law constructs a particular vision of 'the family' and indeed regulates family life at all, then this would be a good course for you!

The structure of the course is as follows:

Michaelmas Term:

1. Family life and family justice
2. Legal constructions of 'the family', 'family life', and 'families'
3. Gender and identity
4. The institutions of marriage and civil partnership and the rise of cohabitation
5. The law of marriage and civil partnership: sex, gender, and religion
6. Divorce and dissolution
7. Family finances on relationship breakdown
8. Domestic violence and abuse: its nature and extent
9. Domestic violence and abuse: legal measures and State obligations
10. Death in the family: inheritance, intestacy, and financial support

Lent Term:

1. Legal constructions of 'children' and 'childhood'
2. Legal parenthood and parental responsibility
3. Child welfare
4. Post-separation parenting and private disputes over children
5. Grandparents
6. Child protection
7. Adoption
8. Siblings
9. Children's rights
10. European and international family law

Summer Term:

1. Revision

Formative coursework: Students will be expected to write at least 1 essay in the MT and 1 essay in the LT. Additional optional essays will be set at the end of the MT and the LT and there will be an optional mock exam towards the end of the LT.

Assessment: Exam (100%, duration: 3 hours, reading time: 15 minutes) in the main exam period. Students may take unannotated, unmarked statutes into the exam.

Indicative reading: Students will be provided with a detailed syllabus and reading list for each topic. The core reading for each class will be based on articles and cases.

To get a sense of the subject of family law prior to commencing the course, or for a different perspective on some of the main issues that we discuss during the course, you may find it helpful to consult: John Eekelaar, *Family Law and Personal Life – Second Edition* (2017, Oxford University Press) and/or Rob George, *Ideas and Debates in Family Law* (2012, Hart Publishing) and/or Jonathan Herring, Rebecca Probert and Stephen Gilmore, *Great Debates in Family Law – Second Edition* (2015, Palgrave Macmillan).

LL232 Law and Institutions of the European Union

Teachers Responsible: Dr Floris de Witte.

Teaching: Two-hour lecture accompanied by a weekly class.

Availability: It is recommended that this course is taken in the second year of the LLB. It is available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

Outline: The course is an introduction to European Union Law. The course considers a legal and political system which has become the most formidable system of transnational government in modern times. It is also a system that has become, in recent years, a source of continual political conflict: both over the content of its measures and the presence of its involvement in many spheres of activity. Discussions on the democratic nature of the EU, the relationship between the welfare state and EU law, and its very existence for example, will be covered in this course. Special attention will be given to the three major crisis that the EU is facing: the Euro-crisis, the refugee crisis, and Brexit.

This course covers three aspects of EU law. First, it covers the institutional and constitutional structure of the European Union, including its political and judicial institutions. Second, it looks at the central policies of the European Union, notably the rights to free movement for goods, services, workers, and Union citizens. Third, it looks at some of the most topical policy areas in which EU law plays an increasingly important role, such as the migration crisis and the euro-zone crisis. Throughout, the course references Brexit and its implications.

At the end of the course you will be able to critically and independently assess both the legal structure of the EU as well as the political and social context within which it operates.

Topics include:

- History and Theory of European Integration
- Institutions and Law-Making of the European Union
- Democracy in the EU
- Sovereignty and EU Law
- Brexit and its consequences
- Differentiated Integration and the Future of the EU
- Application of Union law in the Member States
- Judicial Review of EU law
- Fundamental Rights
- The euro area crisis
- Internal Market and Free Movement
- Free Movement of Goods
- Free Movement of Persons and European Citizenship
- Free Movement of Services and Establishment
- Refugee Crisis and the AFSJ

Formative coursework: A minimum of two pieces will have to be submitted: an essay in MT and LT each. One additional optional essay will be set in LT.

Assessment: Two 8-hour take-home exams (counting for 50% each). One will take place in week 0 of LT, one will take place in week 0 of ST. Take this into account when choosing outside modules that are assessed in week 0 of LT or ST.

Indicative reading: Chalmers et. al., *EU Law*, 4th ed. (Cambridge: CUP, 2019). In addition, the course uses a broad range of online reading material (to be linked on Moodle).

LL233 Law of Evidence

Teacher responsible: Dr Abenaa Owusu-Bempah and Dr Federico Picinali (co-conveners)

Teaching: 20 hours of lectures and 9 hours of classes in the MT. 20 hours of lectures and 10 hours of classes in the LT. 1 hour of classes in the ST.

Availability: This course is available on the BA in Anthropology and Law and LLB in Laws. This course is available with permission as an outside option to students on other programmes where regulations permit. This course is available to General Course students.

Outline: If a person is suspected of committing a crime, how does the prosecution go about proving that she is guilty? Are there any restrictions on the type of evidence that the prosecution can use to prove its case? What protections does the law offer to defendants in order to safeguard them against false conviction? These are among the central questions in the law of criminal evidence, that is, the set of rules governing the production and the use of evidence in criminal trials.

This course concentrates on criminal, rather than civil evidence, and emphasis is placed on matters of principle and conceptual issues rather than the fine detail of legal rules. The aims of the course are to teach students how to reason about evidence, and to encourage them to reflect critically on the modern law of criminal evidence.

At a more detailed level, we consider how inferences are drawn from evidence, and how basic ideas of probability can give insights on this process. We study the standard of proof, asking whether a high standard such as 'proof beyond reasonable doubt' is justified. As far as pre-trial procedures are concerned, we examine – among other things – how the police gain confessions from suspects and produce eyewitness identification evidence; we also look at how the law regulates the admissibility of these types of evidence. A central theme on the course is the question as to what makes a trial fair. The European Convention on Human Rights is relevant to this question. In this context, we look – among other things – at whether courts should admit improperly obtained evidence, and we ask what the privilege against self-incrimination is and whether it can be justified. As you will learn, much of the law of evidence involves rules of admissibility. Among these we cover 'traditional' rules such as those regulating the admissibility of hearsay evidence (a topic that now has an important human rights angle) and of bad character evidence (can a defendant's previous convictions be introduced against her at trial?). We also look at particular problems relating to testimony, ranging from the protections afforded to vulnerable witnesses to the admissibility of evidence concerning the sexual history of complainants in trials for sexual offences.

Syllabus: While coverage may vary from year to year, we usually focus on the following themes and topics:

Reasoning with Evidence:

- Analysing Evidence: Relevance, Probative Value and Generalisations;
- The Standard of Proof;
- The Burden of Proof and the Presumption of Innocence;

Trial Fairness and the Gathering of the Evidence:

- Improperly Obtained Evidence;
- Eyewitness Identification;
- Confessions;
- Entrapment;

Traditional Rules of Admissibility:

- Hearsay;
- Confrontation;

- Bad Character Evidence;

Trial Fairness and Defendant Cooperation:

- The Privilege Against Self-Incrimination;
- Drawing Inferences from Silence;
- Disclosure;

Testimony:

- Examination of Witnesses
- Vulnerable Witnesses;
- Sexual History Evidence.

The course has a Moodle page. You are encouraged to consult it should you want more information on the themes, the topics, and the sort of material that we study.

Formative coursework: Students will be expected to produce 2 essays, one in the MT and one in the LT.

Assessment: Three-hour exam (100%) in the main exam period.

Indicative reading: There is no set text for the course, but standard texts are useful on many topics. Consider, for instance, I. H. Dennis, *The Law of Evidence* (London: Sweet & Maxwell, 6th ed, 2017); A. Choo, *Evidence* (Oxford: OUP, 5th ed, 2018); R. Munday, *Evidence* (Oxford: OUP, 9th ed, 2017).

LL241 European Legal History

Teacher responsible: Dr Umberto Igor A. Stramignoni (Convener).

Teaching: One weekly 2 hour seminar

Availability: LLB students, BA Anthropology and Law and General Course students. It is also available as an outside option where regulations permit.

Scope: The course highlights key moments in the history of law in Europe, from its emergence in antiquity to the onset of modernity.

Outline:

The course opens with the appearance of law amongst ancient Romans circa 8th century BCE. It then turns to law's subsequent configurations as they made the Roman world possible, but also as they connected with each other and the people of Rome and beyond. As the ancient world wanes and is replaced by the extraordinary world of Christianity, the significance of Roman law but also its ties to society change. Things will shift again during the Renaissance, Humanism, Enlightenment, and the French Revolution of 1789, leading up to the French Civil Code, the first major legal codification to take place in modern Europe.

In the Michaelmas Term, we will explore: the multiple links between religion, law and physical space in ancient Rome; the emergence of the popular assemblies; family and property; Augustus and the passage to Empire; jurists and laws; Christians and the Roman constitution; the decline of Rome and the rise of Byzantium as the "new Rome".

In the Lent Term, we will examine the law of ancient Rome as it reappeared, in new and different guises, at the end of the Middle Ages; the challenges presented by the Digest to the medieval world and the laws of the Church; the cultural revolution of the Italian Renaissance; the rise of legal Humanism and the scientific method; Enlightenment and the movement towards legal codification; and finally, the French Revolution, Napoleon and *his* Civil Code.

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: Either one three-hour examination in the summer term *or* one full unit essay (maximum length 12,000 words) on a topic to be agreed with Dr Stramignoni by the end of the Michaelmas Term. Please note: if you elect to be assessed by essay you are still expected to attend all lectures and seminars.

LL250 Law and the Environment

Teacher responsible: Dr Veerle Heyvaert (Convener)

Teaching: 20 hours of seminars in the MT. 20 hours of seminars in the LT. Week 6 MT and week 6 LT will be reading weeks. Essays or equivalent writing assignments will be set around reading week to allow students to dedicate time to writing skills.

Availability: This course is optional for Parts I and II of LLB and BA Anthropology and Law; other students with a keen interest in environmental studies are welcome.

Outline: The aim of this course is to study and understand how law can be used as a tool to pursue environmental goals and to think critically about law's contribution to local and global environmental protection.

Content:

- I. General features of environmental law in the UK:
The introductory sessions examine how we understand 'the value of the environment' as an object of legal protection, and how environmental law evolved through time. We review international and EU law as important sources of environmental law in the UK, and consider the impacts of Brexit. We study the notions of 'risk' and 'precaution' as key concepts of environmental regulation, and examine how the relationship between Parliament, the Government and the Environment Agency affects the effectiveness of environmental laws and rules in the UK.
- II. Controlling space
This section reviews legal strategies for environmental protection through the management of the built environment, parks and nature. It covers planning law, environmental impact assessment, and nature conservation law.
- III. Controlling climate change
Seminars on climate change examine international law and the politics of climate change, different regulatory strategies to respond to the climate change challenge, and climate change litigation.
- IV. Controlling enterprise
Section IV looks at how environmental harm can be prevented or limited by regulating heavily polluting industries, by targeting particular products (such as dangerous chemicals), or by focusing on particular activities (such as international trade). We examine how environmental regulation aims to balance between restricting hazardous activities on the one hand, and fostering free enterprise on the other, and review the court's role in adjusting this balance.
- V. Remediating environmental harm
The final section examines the role of both case law and regulation in the remediation of environmental harm, paying attention to clean-up of contaminated land, common law and human rights based approaches to compensation, and legal responses to international environmental disasters

Formative coursework: Students are expected to write a formative essay; answer a problem question; and participate in a mock exam.

Assessment: 50 % essay (4,000w limit) and 50% exam (2-hr in ST)

Indicative reading: There is no set book that covers the entire course, however, several sessions use Bell, McGillivray, Pedersen et. al, Environmental Law (9th edition, Oxford University Press, 2017). A detailed reading list is provided for each seminar. Materials that are not sourced from Bell, McGillivray & Pedersen are made available on Moodle.

A good alternative source is Fisher, Lange & Scotford, *Environmental Law. Text, Cases and Materials* (OUP, 2013). Useful introductory books include: Lazarus, *The Making of Environmental Law*, 2004; Holder & Lee, *Environmental Protection, Law & Policy*, 2007; R Carson, *Silent Spring*, 1962; R Eckersley, *Environmentalism and Political Theory*, 199

LL251 Intellectual Property Law

Teachers responsible: Dr Siva Thambisetty (Convener)

Teaching: Teaching will be by way of one two-hour seminar per week in MT and LT.

Availability: This course is optional for LL.B., Parts I and II, BA Anthropology and Law. It is also available for General Course students as an outside option.

Intellectual Property Law consists in the rules determining when, and subject to what conditions, the activity of producing information (broadly conceived) can generate rights to exclude others from access to information. Unlike the physical objects associated with real property rights intangibles are non-rival and non-excludable. While the chair you may be sitting on accommodates only one person, many can whistle the same tune without depriving others of it. Yet while it often takes creativity, effort and investment to produce them, intangibles may be easily copied. To restrict this copying and thereby encourage the production of information, the law intervenes by establishing intellectual property rights around certain valuable intangibles – creative works like books, paintings and songs; inventions ranging from vaccines to the bag-less vacuum cleaner; and valuable brands like Coke ® or Google ®.

Given that information is an increasingly important source of commercial value within the modern economy, it is not surprising that Intellectual Property Law is such a fast-growing field here and abroad. However its apparently relentless growth is the focus of vigorous debate. **Copyright** already provides the legal foundation for the well-established film, music, TV and publishing industries, and its continuing expansion is said by some to be crucial given the trend towards media convergence in the ‘digital future’, and by others to be a threat to free speech and freedom of access to information. **Patents** sustain such key and diverse technologies as pharmaceuticals, biotechnology and computer implemented inventions; and the availability of these rights in rapidly developing sectors like synthetic biology or smart phone technologies can often raise complex ethical, political and innovation policy issues. **Trade Marks** are central to effective advertising and marketing but at the same time exemplify the tendency of more and more aspects of our cultural landscape to be ‘commodified’; they have attracted support and denigration in equal measure for this reason.

The curriculum of LL251 reflects the fact that it will be examined by means of an 8000-word essay. Instead of expecting students to acquire a more detailed knowledge of the mechanics of each of the principal branches of intellectual property law (copyright, patents, and trade marks) the course is structured around a strong theme that runs persistently through all parts of IP law, which will also be the basis of the dissertation topic that will be assigned at the start of the year. The objective will be to develop the skills required to engage critically with the mechanics of each branch.

Indicative themes include the public domain, which is often construed as the most basic architectonic principle of intellectual property law, and the incentive effect, one of the most essential strands in the justification of intellectual property laws. We use the chosen broad rubric both to introduce the basic elements of each branch of intellectual property and to focus in on examples which illustrate contemporary intellectual property law: the constitution of the public domain in digital environments, the capture of public discourse by leading brands, the impact of incentives in the creation of software, the international dimension of incentives in the pharmaceutical sector. Students are invited to use these and other case studies as resources for writing the final dissertation.

Seminars will be based on informal lectures, class discussion, and a variety of exercises. Reading lists include further readings to enable students to explore certain themes more broadly or more deeply.

Recommended Text and Readings

Bently and Sherman *Intellectual Property Law* OUP 2018.

The course is supported by Moodle, so reading lists will be linked there or accessible via library-based websites.

Formative Essays

You will have the opportunity to write two formative essays over the year.

Examination

By way of 8000 word dissertation, to be submitted in the Summer term.

LL257 Employment Law

Teacher responsible: Dr Astrid Sanders (Convener).

Teaching: Michaelmas, Lent and Summer Terms: Proposed change back to two hour lecture a week, plus one hour class a week.

Availability: Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with permission from the course convener.

This subject builds on contract and tort, and to some extent public law and EU law, but introduces the distinctive legal regulation of employment relations, such as the law of dismissal and discrimination law, and the institutional arrangements of industrial relations, including trade unions and collective bargaining. Labour law is an important area of legal practice, with employment law disputes representing one of the largest topics of civil litigation.

Outline:

- Contract of Employment: the duties of employer and employee; the variety of work relations; vulnerable workers and the personal scope of employment law
- Regulation of the Employment Relation: minimum wage, working time
- Anti-Discrimination Law: implications of the Equality Act 2010
- Dismissal: wrongful and unfair dismissal, economic dismissals
- Human Rights in the Workplace: civil liberties of employees at work
- Membership of Trade Unions, Worker Representation, and Collective Bargaining: freedom of workers to associate with each other and to act in association with each other
- Industrial disputes: strikes, other industrial action and lockouts; rights and liabilities of individual workers who take industrial action; civil liabilities for organising industrial action – the economic torts, the ‘golden formula’ immunities and loss of immunity – industrial action ballots.

Formative coursework: At least one formative (unassessed) essay per term. Although students may be expected to perform a moot instead of one of those essays.

Assessment: Mixed method of assessment, as follows: i) a take home essay worth 50% of the overall grade, *and* ii) a final two-hour exam worth 50% of the overall grade to be taken in the summer exam diet. Take home essay to be a maximum of 4,000 words to be submitted in week 7 of the Lent Term.

Indicative reading: For a concise overview of the subject a suggestion is: H. Collins, *Employment Law* (Oxford: OUP, 2nd ed, 2010). See also P. Davies and M. Freedland (eds), *Kahn-Freund's Labour and the Law* (London: Stevens and Son, 3rd ed, 1983) chapter 1.

The leading textbooks are H. Collins, K.D.Ewing, A. McColgan, *Labour Law: Law in Context* (Cambridge: CUP, 2012); S. Deakin & G. Morris *Labour Law* (Oxford: Hart Publishing, 6th edn, 2012); A.C. L. Davies, *Perspectives on Labour Law* 2nd edn (Cambridge: CUP, 2009).

LL259 Legal and Social Change since 1750

Teacher responsible: Professor Michael Lobban (Convener).

Teaching: Two one hour lectures per week and a fortnightly class.

Availability: Available to LLB and BA Anthropology and Law students. It is also available as an outside option where regulations permit.

Scope: The course examines aspects of the historical development of English law in its social, political and economic context during the period 1750-1950.

Outline: This course examines developments in British legal history in the two centuries after 1750. Drawing on printed and electronic primary sources, as well as secondary literature, it explores the changing nature of law in a number of areas. The course begins with an exploration of the nature of eighteenth century criminal justice, and how this was transformed in the nineteenth century. It explores issues of political crime and the concept and practice of the 'rule of law'. In the first term, students are also given a grounding in the system of the courts and how they were reformed.

In the second term, the course explores topics relating to status, examining the attitude taken by the law to women, children, workers and slaves. A final set of topics will turn to explore the impact of law on economic change, looking at how the law facilitated the growth of a modern economy.

The course will be taught by a combination of lectures and seminars in the Michaelmas and Lent Terms.

Lecture and Seminar Topics:

Michaelmas Term

The first term is devoted to an examination of the criminal and civil justice systems in the eighteenth and nineteenth centuries. Topics covered in the first term include the prosecution of crime in the era of the 'Bloody Code', the nature of the criminal trial before and after the arrival of criminal barristers in the courtroom, the reform of criminal punishments and the rise of the prison and modern policing. In the second half of the term, the course looks at political crime and the rule of law, and the impact of war on the law. It also considers the system of the civil courts, the nature of civil litigation and the reform of the major courts.

Lent Term

The second term is devoted to exploring the impact of law on society and the economy. Topics explored include the law relating to married women and the custody of children, the law of slavery, and the law relating to workers and trade unions. The economic topics addressed include the law relating to the environment, the transformation of tort and contract law, and the law relating to business organisation.

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: *Either* one three-hour examination in the Summer Term *or* one full-unit essay (maximum length 12,000 words). Please note: if you elect to be assessed by essay you are still expected to attend all lectures and classes.

LL272 Outlines of Modern Criminology (Half-unit)

Teacher responsible: Professor Nicola Lacey (Convener).

Teaching: A weekly two-hour seminar in the Michaelmas term.

Availability: Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with permission from the course convener.

Pre-requisites: None, but some familiarity with sociological or psychological literature would be an advantage.

Outline: This half-unit course is a general introduction to the study of modern criminology. The course is highly selective and every effort is made to hold the reading requirements within reasonable limits. It is suitable for General Course students, and a limited number may be admitted on application.

The main focus is on the classical and contemporary theories developed over the past two hundred years to explain and predict criminal behaviour in society. The propositions, assumptions, empirical validity, and policy implications of these criminological theories, as well as the social context in which they were developed, will be examined. Other significant issues in criminology – such as the measurement and extent of crime, the role of demographics (age, race, gender, social class) in the causation of and reaction to crime, the influence of the media and political regimes, and the changing boundaries of criminological research – will also be discussed.

Course content:

- The history of criminological theory.
- Trends in crime and crime statistics. How official statistics can be interpreted and the role of crime surveys
- 'Classical' criminology, rational choice, and crime prevention theories.
- Individual explanations of crime: biological, psychological and psychoanalytical theories.
- Sociological explanations of crime, including macro and micro approaches and recent critical theories
- Criminal justice policy and 'law and order' politics.
- Discrimination, Inequalities, crime and criminal justice
- Crime and the mass media

Formative coursework: The formative coursework consists one in class presentation (in groups) and a short review of literature in a relevant topic. Feedback on the literature review will help prepare students for the summative assessment.

Assessment: One 4-5000 word essay on a relevant topic of your choice.

Indicative reading:

The texts for this course are:

- *Criminology* 3rd ed. by T. Newburn (2017)
- *The Oxford Handbook of Criminology*. By Leibling, A; Mcara, L. and Maruna, S (eds) 6th edition (2017)
- *Crime: The Mystery of the Common Sense Concept*. By R. Reiner (2017)

Recommended Readings

- *Law and Order: An Honest Citizen's Guide to Crime and Control*. by R. Reiner (2007)
- *Crime, Shame, and Reintegration*. by J. Braithwaite (1989)
- *Understanding Deviance* 7th Ed. by D. Downes, P. Rock and E. McLaughlin (2016)
- *Vold's Theoretical Criminology* by T. Bernard and J. Snipes and A. Gerould. 7th edition (2015)

LL275 Property II

Teacher responsible: Professor Neil Duxbury (Convener, MT 2019 and ST 2020), Professor Charlie Webb (Convener, LT 2020).

Teaching: Teaching arrangements for both the Land Law and Trusts components of Property II are two hours of lectures and a one-hour class each week. (Classes begin in week 2 of each teaching term.)

Availability: This course is available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to other second and third year LSE undergraduates where regulations permit and with permission from the course convener.

Outline: Property II examines principles of Land Law and the Law of Trusts. Land Law is taught in the first term and Trusts in the second term.

The Land Law component of Property II is designed to introduce students to the principles of the law of real property (i.e., land). The course examines estates and interests in land, legal and equitable ownership, title registration, and trusts of land (including constructive trusts). It also considers the law governing specific third party interests – licences, proprietary estoppel claims, easements, freehold covenants and mortgages.

The Trusts component of the course focuses on general principles of trusts law and examines the circumstances in which trusts arise, the obligations of trustees, and the remedies available to beneficiaries when these obligations are breached. It also considers the nature and classification of trusts, including resulting and constructive trusts, and how the law of trusts relates to and impacts on the law of contract, wrongs and unjust enrichment.

Formative coursework: Two formative (unassessed) essays per term.

Assessment: One three-hour examination in the summer term. Students are required to answer questions on both the Land Law and Trusts components of Property II.

Indicative reading: Advice on reading, including textbook recommendations, will be provided at the beginning of the first and second terms. An essay which students might profitably read before the commencement of the course is Peter Birks, 'Before We Begin: Five Keys to Land Law', in *Land Law: Themes and Perspectives*, ed. S. Bright & J. Dewar (Oxford: Oxford University Press, 1998), 457-86.

LL278 Public International Law

Teachers responsible: Dr Stephen Humphreys (Convener), Professor Gerry Simpson, Dr Devika Hovell, Dr Margot Salomon, Dr Chaloka Beyani.

Teaching: This is a full-unit course. There will be two one-hour lectures and one one-hour small-group class per week.

Availability: Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit.

Outline: This course provides an introduction to the concepts, principles, institutions and debates that define public international law today. We begin with an overview of the international legal system, considering the sources of international law, the scope of responsibility for its breach, and its role in the creation and empowerment of states. In this connection we examine the work of the International Court of Justice, the WTO Appellate Body, various human rights courts and committees, the International Criminal Court, and the *ad hoc* international criminal tribunals, along with judgments of national courts invoking international law. We will take up a range of topical issues of global concern, studying their international legal dimensions. The issues to be discussed are likely to include war, trade and investment, human rights, climate change, and international crime. We also investigate aspects of the history of international law, its relation to the establishment and retreat of European empires, and its contemporary significance and prospects. Overall, our aim is to lay the basis for an informed assessment of the contribution and limits of international law as a force in world affairs.

Formative coursework: One formative (unassessed) essay per term.

Assessment: One three-hour examination in the summer term.

Indicative reading: Reading lists will be provided for each topic on Moodle. You are asked to buy M. Evans (ed.), *International Law* (Oxford: OUP, 5th ed, 2018) and *Blackstone's International Law Documents*. Some other works to which you may wish to refer include the most recent editions of: D. Harris, *International Law: Cases and Materials*; H. Charlesworth and C. Chinkin, *The Boundaries of International Law*; M. Shaw, *International Law*; M. Koskenniemi, *From Apology to Utopia*; V. Lowe, *International Law*; and J. Crawford, *Brownlie's Principles of Public International Law*.

LL284 Topics in Sentencing and Criminal Justice (Half-unit)

Teacher Responsible: To be confirmed.

Teaching: Ten x two-hour seminars in Lent Term. Introductory lecturing is combined with group discussion and in-class exercises.

Availability: Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students where regulations permit and with permission from the course convener.

Outline: In this course, we will explore the practices and decision-making of key actors within the criminal justice system and examine with the policies and regulatory schemes that purport to govern how these actors perform their roles in the criminal process. In the first five weeks, we track the construction of cases through the criminal process, which introduces us to the work of police, prosecutors and judges. How do these actors exercise their discretion? What kinds of dynamics, sub-cultures and formal (and informal) rules animate their decision-making? And how does this impact on the rights of suspects, defendants, offenders? By applying models of justice to the most recent developments in law, policy and practice at various stages of the criminal process, students will be equipped with the knowledge and tools necessary to critically assess and engage with contemporary criminal justice issues. Building on this in the second five weeks, we focus on how judges perform their role as sentencers, the principles and legal guidelines they rely upon in doing so and the types of sentences they can (or must) hand down in certain types of cases. We use the sentencing of rioters and the life sentence as case studies to apply the general principles of sentencing and conclude the course by considering the role of non-custodial sentences.

Topics by Week

1. The Criminal Process and Models of Justice
2. In the Community: What Do Police Do and Why Do They Do It?
3. In the Station: Police Practices and Case Construction
4. Bringing the Case: Prosecutorial Discretion and Plea Bargaining
5. In Court: The Judiciary and Legal Representation
6. *Reading Week*
7. Sentencing Theory: Aims, Principles and Policies
8. Sentencing Practice: Discretion and Guidelines
9. Sentencing Rioters
10. The Life Sentence for Murder
11. Non-Custodial Sentences

Formative Coursework: One 2,000 word essay.

Assessment: Two-hour examination

Indicative Reading: I want to encourage you to take responsibility for what you read and to come to class keen to present your own thoughts and ideas based on this reading. There is textbook reading each week, but to keep the material and topics we discuss as contemporary as possible, I have supplemented these texts with recent articles and chapters. The variety of reading and the choice this offers ought to facilitate lively and informative discussions in class. Recommended texts for the course include: A. Ashworth, *Sentencing and Criminal Justice* (Cambridge: Cambridge University Press, 2015); A. Lieblich et al, *Oxford Handbook of Criminology* (Oxford: Oxford University Press, 2017); A. Sanders et al, *Criminal Justice* (Oxford: Oxford University Press, 2012).

LL293 Tax and Tax Avoidance

Teacher responsible: Dr. Michael Blackwell (Convener).

Teaching: 21 one hour seminars and 21 two hour seminars

Availability: Available to second and third year LLB and BA Anthropology and Law students. It is also available as an outside option to second and third year students and General Course students where regulations permit.

Outline: Taxation is a topic that has throughout history pervaded political debate and is encountered in every area of life. Taxation was one of the very first subjects to be taught at LSE. The teaching of tax *law* as an academic subject started at LSE, where it was introduced by Professor GSA Wheatcroft in 1957.

The syllabus is set out below, although there is some variation of topics selected from year to year, depending on the focus of current debate, and in the order of topics.

- The first term of the course begins by looking at the tax administration system in the UK. The remainder of the first term focuses on a technical legal approach to tax. Using a mixture of legislation and case law we assess liability to UK tax on (i) employment income; (ii) business income; and (iii) capital gains. The term concludes by looking at 'international tax', ie the liability to tax where an individual or company is potentially subject to the tax laws of several jurisdictions.
- The second term of the course focuses on tax avoidance looking at questions such as: What is tax avoidance and how does it differ from tax planning? What strategies do individuals and companies adopt to avoid tax? How do judges respond to tax avoidance through anti-avoidance doctrines and rules of interpretation and to what extent is that compatible with the judicial role? How effective can legislative responses to tax avoidance be and what are the limitations on such responses? How can companies be fairly taxed in the digital economy? How have public attitudes to tax avoidance changed over time? Should corporations behave 'responsibly' and pay their fair share of taxes, or are they obliged to do whatever they can to maximize shareholder returns? To what extent does professional ethics inform accountants and lawyers who advise on tax avoidance?

On the course the approach to the subject includes a strong policy perspective. However, legal issues are still important. The UK tax code is long and complex. There are also many relevant cases that are required reading too. This course requires students to understand and apply difficult concepts and legislation.

By taking this course you should develop the following skills and attributes (i) working with and analysing legislation; (ii) working with and analysing case law; (iii) research skills; (iv) communication skills; (v) professionalism.

Students taking this course should be prepared to use a variety of sources ranging from statute and case law to literature on public policy. The precise balance of materials used varies from topic to topic. All the readings set will be accessible and non-mathematical. **NO COMPUTATION** is required and no knowledge of any discipline other than law is required. The course is open to second and third year law students, and experience suggests that it is equally suitable for both years.

Teaching Method: A variety of methods will be used within the weekly seminars. This seminar system is not suitable for students who favor passive lecture learning and regurgitation of facts. Student participation will be central. Assistance will be given with methods for statute-based work. Substantial preparation and by students will form an integral part of the course.

Formative coursework: At least two formative (unassessed) assignments over the academic year.

Assessment: One three-hour examination in the summer term. Legislation without verbal marking can be taken into the exam.

Indicative reading:

M.C. Blackwell 'Conduct Unbefitting: Solicitors, the SRA and Tax Avoidance' [2019] *British Tax Review* 31-54. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3354776

M.C. Blackwell 'Variation in the Outcomes of Tax Appeals Between Special Commissioners: An Empirical Study' [2013] *British Tax Review* 154. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3337780

LL295 Media Law

Teacher Responsible: Dr Andrew Scott (Convener).

Teaching: The teaching will be conducted primarily through weekly two hour group-based classes and one hour plenary seminars. This contact time will be supported by a series of presentation-based lectures covering each course theme. Students will also receive supervision in respect of a short research paper.

Availability: LLB Year 2 and 3, and B.A. Anthropology and Law.

Outline: The course examines the legal and administrative regulation of the press, broadcasting, and other media. It centres on law and regulation in the UK, as influenced by European and international law.

The course opens with introductory lectures that introduce themes such as the 'media 'landscape', the sources and forms of media law (ethical, cultural and technological constraints, self-regulation, common law, statute, EC law and international law), and the rights and values that frame this area of law (free speech; privacy; impartiality; the protection of rights to a fair trial).

Thereafter, the course moves through three 'blocks' of five problem-focused, group-based classes that run through the year. These blocks of study focus on (a) regulating content in defence private interests (misuse of private information, confidentiality and defamation), (b) regulating content in defence of public interests (contempt and the integrity of justice; political impartiality; offensive content; terrorism and national security), and (c) the control of journalistic newsgathering practices (risks to and protection of sources; constraints on 'cheque-book' journalism; access to government information (Fol, and official secrets); open justice and access to courts; regulation of the journalistic 'dark arts' (misrepresentation and subterfuge).

Assessment: During the year, students must complete three problem exercises in groups, following extensive preparatory group-based problem exercises in seminars. The best two grades achieved in these three exercises will comprise 50% of the overall grade for each student for the course. Each student must also complete one 4,000 word research essay on a theme to be agreed with the course convener. The grade achieved for this paper will comprise the remaining 50% of the overall grade for the course.

Indicative Reading: Supporting texts for the course include Millar and Scott, *Newsgathering: Law, Regulation and the Public Interest* (Oxford University Press, 2016); Parkes and Mullis (eds) *Gatley on Libel and Slander* (Rev 12th edn, Sweet & Maxwell, 2015), and Barendt et al, *Media Law: Texts, Cases and Materials* (Pearson, 2013); Leveson, *An Inquiry Into the Culture, Practices and Ethics of the Press: Report*, HC 780, 2012. These and other materials relevant to the course are generally made available via the BLPES electronic resources or online.

LL300 Competition Law

Teacher responsible: Professor Pablo Ibáñez Colomo (Convener) and Dr Niamh Dunne.

Teaching: One lecture and one class each week.

Availability: Available to final year LLB students. It is also available as an outside option to second and third year students where regulations permit.

Core syllabus: An introduction to competition law.

Outline: Competition is widely understood to be the best means to deliver better goods and services at lower prices. The point of competition law is to preserve the process of rivalry between firms, and, by doing so, to benefit consumers and society at large. A broad range of corporate strategies are subject to this field of law. For instance, competition authorities enforce the law against large multinational firms (such as Microsoft, Google, or Intel) that have the ability to influence market conditions and exclude smaller rivals. Competition authorities also have the power to block mergers and acquisitions that are capable of harming consumers (think of a merger creating a monopoly). Attempts by firms to avoid competing by means of secret arrangements (the so-called ‘cartels’) are another key area of enforcement.

Competition law regimes have progressively become a major feature of legal systems around the world. They have long applied in the US and Europe – including the UK – but have now been adopted (and/or are actively enforced), *inter alia*, in jurisdictions like Brazil, Chile, China, Hong Kong, India, Malaysia, Singapore and South Africa. Unlike other legal disciplines, the relevant provisions in all of these regimes are virtually identical in their form and substance. This is, in other words, a truly cosmopolitan field. After this module, you will be equipped to understand and practice competition law almost anywhere in the world.

After an introduction in which competition law is put in its economic and institutional context, this module will address the main substantive and procedural aspects of the discipline. Topics covered include the following:

- Anticompetitive agreements between firms (including cartels and distribution agreements).
- Abusive practices by dominant firms.
- Mergers and acquisitions, including both mergers between competitors and vertical and conglomerate transactions.

Formative coursework: Two formative (unassessed) essays per term.

Assessment: One three-hour examination in the summer term.

Indicative reading: N. Dunne, A. Jones and B. Sufrin, *EU Competition Law* (Oxford: OUP, 7th ed, 2019); and H. Hovenkamp, *The Antitrust Enterprise* (Cambridge: Harvard University Press, 2005).

LL305 Jurisprudence

Teacher responsible: Dr Mike Wilkinson

Teaching: 20 hours of lectures and 9 hours of classes in the MT. 20 hours of lectures and 10 hours of classes in the LT. 1 hour of classes in the ST.

Availability: This course is compulsory on the LLB in Laws. This course is available on the BA in Anthropology and Law, BSc in Philosophy and Economics, BSc in Philosophy, Logic and Scientific Method and BSc in Philosophy, Politics and Economics. This course is available with permission as an outside option to students on other programmes where regulations permit. This course is available to General Course students.

Course content: The aims of the course are: To introduce students to philosophical thinking about the law. To familiarise students with the main methodological, ontological, and normative issues in the study of law and its legitimacy. To provide students with knowledge of some of the most influential legal and political philosophers and their theories of the state and law. To encourage and enable students to think about doctrinal legal questions from a philosophical and critical perspective. To help students to develop legal reasoning skills by training them in abstract, philosophical arguments. Some of the themes that the course covers are: the social contract tradition (Hobbes, Kant, Rawls, Rousseau); the democratic legitimacy of the state and its law; Marxism and critical theory; Arendt's political theory and its implications for law; methodology in jurisprudence; natural law; legal positivism; the rule of law and legality; the use and significance of principles in adjudication and legal reasoning.

Formative coursework: Students will be expected to write at least one essay per term.

Assessment: Exam (100%, duration: 3 hours, reading time: 15 minutes) in the main exam period.

Indicative reading: Students are provided with outlines and readings for topics discussed in the Michaelmas and Lent Terms. For some introductory and background reading see: S. Veitch, E. Christodoulidis, and M. Goldoni, *Jurisprudence: Themes and Concepts* (3rd ed), Routledge 2018; J.E. Penner and E. Melissaris, *McCoubrey & White's Textbook on Jurisprudence*, OUP 2012; Brian Bix, *Jurisprudence: Theory and Context* (3rd ed.), Thomson Sweet & Maxwell 2003.

LL342 International Protection of Human Rights

Teacher Responsible: Dr Chaloka Beyani (Convener), Dr Theodora Christou.

Teaching: 20 weekly seminars

Availability: This is an optional course for LL.B. Year 2 and 3 and **third** year students from other Bachelor's degrees as regulations permit and with permission from the convener. All students need to have already taken and done well in a course in Public International Law or in Civil Liberties. **This course is capped at 25 students.**

Outline: This course aims to provide a comprehensive and analytical account of the application of human rights standards in international law, and the operation of the existing international machinery for the protection of human rights. The course engages with both the theory and practice of human rights law and, in that process, some of the most vexing issues facing us today will be considered. What is the scope of the right to privacy in a digital age? What's the geographical scope of a state's human rights obligations? How does human rights law apply in war? What are the human rights obligations of corporations in a globalized landscape? What rights do asylum seekers have when they are fleeing conflict? Does existing law adequately protect women's rights?

The law of human rights reflects attempts made internationally to articulate basic legal standards for the protection of individuals and groups in their relations with the state, and to use the authority of international law, institutions, and procedures, to secure compliance with such standards. Human rights law is a modern phenomenon; but it has an ancient lineage. Some account of its evolution is given, from natural rights, civil liberties, the history of minorities protection, and the progressive development of human rights in public international law since 1945.

However, the major part of the course relates to post-1945 events concerning the protection of human rights. A section of the course deals with the role and reform of the United Nations to promote and secure the observance, on a universal basis, of international standards of human rights. The development of important legal standards (such as those of non-discrimination) is traced; and the work of various UN bodies in applying and promoting human rights is analyzed.

Comparisons are also drawn with regional attempts to promote and protect human rights, with the European system, the Inter-American system and the African system receiving special attention as regards their treaties, their institutions, procedure, and case-law.

By the end of the course students should have a good understanding of the substantive content of contemporary human rights and of the existing and alternative means available for protecting these rights and fundamental freedoms.

Extensive use is made of relevant case law, of the Civil and Political Covenant, the European Convention, the American Convention, the African Charter, and the International Court of Justice; and particular rights (such as those of persons belonging to minorities, the right to life, the prohibition of torture, the right to a fair trial, family life, and the fundamental freedoms) are studied in considerable detail.

Formative coursework: At least one formative (unassessed) essay per term.

Assessment: Summative essay not exceeding 8,000 words due in the summer term.

Indicative Reading: R. Smith, *International Human Rights*; Ilias Bantekas and Lutz Oette, *International Human Rights Law and Practice*.

LL398 Half-Unit Dissertation on an approved legal topic

Availability: This course is available on the LLB in Laws. This course is not available as an outside option, nor to General Course students.

Course content: Where a third year LLB student is taking the equivalent of three-and-a-half subjects she/he may make up the final half-subject by writing a 8,000 word half-unit dissertation on a legal topic approved by the Law Department. A second year student may be permitted to do a half-unit dissertation in exceptional circumstances with the approval of the Departmental Tutor.

Students wishing to do a half-unit dissertation should first consult their academic mentor in the preceding summer term to discuss:

- whether a dissertation is a suitable option for the student
- the particular dissertation topic
- who might be an appropriate dissertation supervisor

In light of their discussion with their academic mentor, a student wishing to pursue this option should approach a possible supervisor for their approval. The supervisor of the dissertation must be a permanent member of staff.

It is not possible to submit a full-unit dissertation, LL399 and half-unit dissertation, LL398 in the same year.

Because this option requires considerable independent study, it is generally not advisable to opt to write a dissertation unless the student has been achieving marks of an upper second class standard in their examinations to date. The dissertation subject must be of a suitable academic character which has not already or will not have been explored in depth in any taught subject taken by the student but is related to subjects taught in the School. It is necessary for a student to have the approval of both a member of staff who is willing to supervise the dissertation and the Chair of the LLB Year 2 and 3 Exam Board for the proposed dissertation by 31 October of the year in question. Once they have their supervisor's approval, students will need to make a formal detailed application to the Chair of Exams for approval; a form for this will be circulated to those writing a dissertation early in the MT.

The essay should be word processed and be accompanied by a bibliography. Footnotes can be placed at the end of the text or at the bottom of the page to which they relate (the latter is preferable). The dissertation should be 6,000-8,000 words in length (including footnotes and excluding bibliography). The supervisor will be available to provide some guidance but it is intended that the student should do his/her own research. The dissertation should be submitted not later than the first day of the ST.

Teaching: 1 hour of lectures in the MT. Beyond the one-to-one sessions held with the dissertation supervisor there is no formal teaching. However, there is a one hour session held in the Michaelmas term for all half-unit and full-unit dissertation students to orient them to the requirements of writing a dissertation.

Indicative reading: There is no essential reading as such, but there is a dedicated Moodle site for the LLB dissertation options.

Assessment: Dissertation (100%, 8000 words) in the ST.

LL399 Full- unit Dissertation on an approved legal topic

Availability: This course is available on the LLB in Laws. This course is not available as an outside option, nor to General Course students.

Course content: Students may write a full-unit dissertation on a legal topic approved by the Law Department. **The full-unit dissertation may only be taken in the third year when students are better prepared for it.**

Students wishing to do a full-unit dissertation should first consult their academic mentor in the preceding summer term to discuss:

- whether a dissertation is a suitable option for the student
- the particular dissertation topic
- who might be an appropriate dissertation supervisor

In light of their discussion with their academic mentor, a student wishing to pursue this option should approach a possible supervisor for their approval. The supervisor of the essay must be a permanent or ex-permanent member of staff.

It is not possible to submit a full-unit dissertation, LL399 and half-unit dissertation, LL398 in the same year

Because this option requires considerable independent study, it is generally not advisable to opt to write a dissertation unless the student has been achieving marks of an upper second class standard in their examinations to date. The dissertation subject must be of a suitable academic character which has not already or will not have been explored in depth in any taught subject taken by the student but is related to subjects taught in the School. It is necessary for a student to have the approval of both a member of staff who is willing to supervise the dissertation and the Chair of the LLB Year 2 and 3 Exam Board for the proposed dissertation, by 31 October of the year in question. Once they have their supervisor's approval, students will need to make a formal detailed application to the Chair of Exams for approval; a form for this will be circulated to those writing a dissertation early in the MT.

The dissertation should be word-processed and be accompanied by a bibliography. Footnotes can be placed at the end of the text or at the bottom of the page to which they relate (the latter is preferable). The essay should be 12,000-15,000 words in length (including footnotes and excluding bibliography). The dissertation should be submitted not later than the first day of the ST.

It may be possible to use the dissertation option to do some work in a subject which is not being offered as a taught course in the year in question. Alternatively, students may be able to use it to do some more detailed work on a topic of particular interest to them, providing that this does not overlap with any course that they are taking to an unacceptable extent. It should be stressed that no member of staff is under an obligation to agree to supervise any proposed dissertation. However where a member of staff agrees to act as supervisor, students can expect to see their supervisor to discuss their work on a regular basis in each of the first two terms, with at least three meetings in each term.

Teaching: 1 hour of lectures in the MT. Beyond the one-to-one supervision sessions held with the student's dissertation supervisor there is no formal teaching as such. However, a one hour session will be held in the Michaelmas term for all full-unit and half-unit dissertation students to orient them to the dissertation requirements.

Indicative reading: There is no essential reading as such. There is a Moodle site dedicated to the LLB half and full-unit dissertations.

Assessment: Dissertation (100%, 15000 words) in the ST.

AN226 Political and Legal Anthropology

Teachers Responsible: Lecturers from Law Department and the Anthropology Department.

Teaching: Lectures: 20, Michaelmas and Lent. Classes: 20, Michaelmas and Lent Terms.

Availability: The course represents a compulsory part of the second year of the B.Sc. and B.A. Anthropology and the B.A. Anthropology and Law. It is also available to second and third year LLB students.

Although the course builds on anthropological theories and ethnographies, no prior knowledge of anthropology is necessary. Students who have an interest in jurisprudence, criminology, socio-legal studies and politics will particularly enjoy this course.

Prerequisites: No prerequisites for second and third year LLB.

Core Syllabus: The anthropological analysis of political and legal institutions

Outline: The development of political and legal anthropology; centralised and non-centralised polities; the legitimation of power; colonialism and indigenous responses; nationalism and ethnicity; debates on neoliberalism and governmentality; early legal anthropology; colonial transformations of law; legal pluralism and its critiques; violence, punitivism and law; debates on property; gender and law; religion and law

Formative coursework: Students will prepare essays for discussion with academic mentors.

Assessment: There is a three-hour examination in the summer term, of 10 questions (3 must be answered) which accounts for 70% of the mark. Students will sign up to lead a class and submit a written analysis (15% - MT); and write an assessed essay (15% - LT).

Indicative reading: J. Gledhill, *Power and its Disguises* (1994); J. Vincent, *Anthropology and Politics* (1990); E.R. Leach, *Political Systems of Highland Burma* (1954); Barth, Fredrik., *Political Leadership among Swat Pathans* (1959); Banerjee, *The Pathan Unarmed* (2001); Gluckman, M. "The bridge": Analysis of a social situation in Zululand" (1958) ; A. Blok, *The Mafia of a Sicilian Village* (1988).; C.J. Fuller and V. Benei (eds). *The Everyday state and society in modern India*.(2000), B. Malinowski, *Crime and Custom in Savage Society* (1926); J. Comaroff and S. Roberts, *Rules and Processes* (1981); S. Roberts, *Order and Dispute: An Introduction to Legal Anthropology* (1979); S.F. Moore, *Law as Process* (1978); L. Nader (ed.), *Law in Culture and Society* (1969); S E Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working-Class Americans*. (1990).

Appendix: Understanding Section 5.6 of the LLB Classification Scheme

As is already clear from section 5.1 of the classification scheme, if you were attempting to achieve a first (for example): You would need to achieve either 4 firsts OR 3 firsts and an aggregate of 540 or more to automatically achieve a first class degree (the same is the case for each classification band).

Given the importance of aggregates in the role of classifying it is therefore important to note that Section 5.6 of the classification scheme is intended to address and balance the fact that the Department of Law very rarely awards marks of 70+ whilst other Departments may award marks of 70-100 more frequently. Students taking an outside option where marks of 70-100 are awarded therefore potentially have an advantage over students not taking outside options, as their aggregates may be boosted by working to a different marking scale. Section 5.6 therefore works to make sure that students are being classified fairly, in accordance with their competence in law, regardless of what courses they take during the LLB programme. **The Department would not allow students to take outside options if it was minded to discount them.**

In practice, section 5.6 really only applies to **the most extreme of cases**. But allow me to provide greater clarity by exploring when it might and might not be drawn upon:

Example A

If in the case that you have 3 firsts and an aggregate of 540, this is made up of a grade profile as follows:

LL275: 70
LL232: 70
AC100: 100
LL305: 60
LL202: 62
LL221: 63
LL241: 60
LL205: 61

Aggregate: 546

The board may decide that without the extraordinarily high mark of 100 in AC100, and considering the lower 2.1 marks in your profile, your aggregate might have been unfairly distorted by taking AC 100 (as, if you had done equally well in an equivalent law course, you may only have received a 70 and therefore your aggregate would have been 516; 24 points short of the aggregate required for a first), and actually, a 2.1 classification more appropriately conveys your competence in law.

Example B

However, if you achieved:

LL275: 70
LL232: 70
AC100: 100
LL305: 68
LL202: 65
LL221: 68
LL241: 67
LL205: 65

Aggregate: 573

It is plain to see that even without the extraordinary mark in AC100 (+30 marks more than any of your law scores) you would have achieved an aggregate of 543 just from your law subjects and

therefore the AC100 has not unfairly distorted your aggregate. Accordingly, in this instance, it is possible that they would decide that a first classification appropriately conveys your competence in law.

It is worth reiterating that **the Department would not allow students to take outside options if it was minded to discount them** and to note that, in our experience, students tend to do better overall when they take subjects that interest them. This rule really only applies if you achieve a very specific grade profile (such as example A). We therefore ask that you note section 5.6 but, as the profile in example A occurs so rarely, also note that section 5.6 should not significantly impact your course choices.