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Interview with Jeremy Horder, the new Head of LSE Law

LSE Law ranked first among UK law schools

Damian Chalmers on An Open Europe

Contents

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Lunch with the Editor

Professor Jeremy Horder, Head of Department, LSE Law

In Conversation with Professor Thomas Poole, Ratio Editor

Welcome to "Lunch with the Editor". And congratulations, first of all, on becoming Head of LSE Law. You're joining a distinguished line of predecessors – Hugh Collins, Martin Loughlin and Emily Jackson – who have among other things led LSE Law twice to RAE/REF success. Are you ready for the job?

Jeremy Horder: One of the things you learn about scholarly life is that whatever you do you always have to negotiate with people far smarter than yourself. If you have any pretentions to being better or better informed or superior then you are doomed to failure. I've become accustomed to this over a period of time. So that in itself won't be a problem. But in a broader sense it is fantastic to be working with such great scholars. The quality of the place is such that it almost deterred me from a applying for the position of a Law Professor here!

We'll talk in more detail later about your new role. But before that, I'd like to concentrate on your background and interests, starting with your research. What are you working on at the moment?

JH: I've just given a Current Legal Problems lecture at University College London on the subject of benefit offending – basically about how the state treats people on benefits who are trying to make their way through lots of different claims. The problem is that there are a lot of offences now, applying to all walks of life, concerned with the failure to provide the proper information. A very large bulk of English criminal law is comprised of these kinds of offences. The theory that I tested out – it's commonsense in a way – is that the less well-educated you are, or if you've got problems with disability or other problems, it is going to be harder for you to fill in these forms and to get the information right. This will be particularly true in the area of benefit offences, where Government has been cracking down very hard on what they take to be benefit abuse. So the lecture was really about whether we need a different type of regulatory approach depending on what the target audience is, if you like. Taxpayers, for example: perhaps we can expect a bit more of them in terms of what they can put into this. They can employ advisers to help them, for instance, whereas those on benefit are hardly likely to do that.

I am also doing, for the first time on my own, a new edition of Ashworth and Horder's Principles of Criminal Law, adding a historical chapter as well as redoing the existing chapters. This needs to be done by the end of the summer – so I had better get my skates on!

Your scholarship is somewhat unusual in that it combines research into contemporary English criminal law – including law reform, about which more in a moment – with a real interest in the history of the subject.

JH: Yes, that's right. In fact, I've just completed something on corruption and misconduct in the public office in the late eighteenth century. Most of it is purely historical, but it includes a final section which compares and contrasts attitudes towards state assets, so to speak, that were common in the eighteenth century compared to the attitudes on display in the recent Parliamentary expenses scandal. Essentially the difference is that modern politicians are very aware about what they are meant to say in public. So when they behave in an inappropriate way, there is then a kind of hypocrisy – a difference between their words and their behaviour – whereas in the eighteenth century there wasn't really that gap because people were less concerned about pretending to be one thing and being another; they essentially just did and said what they thought.

Do you find generally that your historical work impacts on or influences your study of the criminal law today?

JH: It can do, certainly. When I was at the Law Commission we did a historical study of what was called the "felony murder rule", whereby if you kill someone in the course of any crime of any seriousness you would automatically be guilty of murder whether or not you intended the death. That rule I attributed to a mistake, basically, made by Lord Coke in his Institutes, where he confused two different cases and came up with the rule. As a result of this error, not only were hundreds of people executed in this country on the back of the rule, but of course the rule was also exported to the United States where they continue to execute people under it.

> "One of the things you learn about scholarly life is that whatever you do you always have to negotiate with people far smarter than yourself."

Speaking of your time as a Law Commissioner, you were there for five years, I believe. I'm interested in hearing about your experience in that role. What major projects did you work on while you were at the Commission? And what did you achieve while you were there?

JH: What you achieve is very often a matter of chance at the Law Commission. Sometimes your projects only come through long after you leave. There's the example of the Commissioners who recommended in 1975 that blasphemy should be abolished as a crime, a proposal that didn't come through for about 30 years. While I was there, the main task we had was to work on the law of homicide, murder in particular, and defences to murder, which is an area I had previously written about. Here we were partially successful, in the sense that there was some revision of the defences, some of it based on Law Commission recommendations. But probably the most successful project

arose as a result of political changes of circumstance, and that was our work on bribery. The whole thing was pretty speedily done. We first got a reference to do the project in 2006, a year after I had started. We reported in 2008 and the legislation was on the statute book by 2010, which was, most unusually, a self-contained Act (the Bribery Act 2010).

You had written, before your time with the Commission, about the politics of law reform. Did your experience as a Law Commissioner inform your understanding of that process?

JH: Very much so. I did change my attitude quite significantly. The Law Commission is essentially a consultative body. It's not like a scholarly body in that way. You can have your own opinion as a scholar and stick to it for forty years, even if everyone else disagrees with it, and you can still be regarded very highly as a scholar. At the Law Commission we have to consult widely and ensure that our minds remain open. One of the things that made most impact on me was the process of consulting with lay people who had formed pressure groups or other kinds of organisations to reform the law – this process impressed on me how important it is for law reform to engage with the ordinary public, who don't have legal training but may have as strong and important views about the law as anyone else. Although legal knowledge adds a layer of technicality and interconnectedness to reform, when you strip that away the underlying opinions could be held by anyone in the nearest pub, very often. From the '70s to the '90s, law reform was very much seen as the domain of experts. But I think there is a risk that if you maintain that approach, even in controversial areas, that you may lose legitimacy because you haven't consulted widely enough. I think that's better understood now, not only by the Law Commission but also by Government.

Do you think it is important for law academics to take part in public debate on the law, and to attempt to influence in one way or another the future direction of the law?

JH: It is. The importance of scholars contributing to public debate is enormous. It is not just a matter of talking to the press when they are trying to find their way through an issue, but also to civil servants and others who may have nowhere else to turn for detailed information and guidance than scholars – particularly the empirical studies which government is unable to do effectively. But also the theoretical work should not be ignored. A lot of that is going to be relevant, it can provide a framework in which civil servants and others can project or put forward proposals.

Scholars can sometimes get upset when what seems to them to be encouraged gets nowhere in the end. But you just have to accept that the world of law reform is just not the same as the scholarly world. There is always room in scholarship for work that is of no practical value. And I've always been a really strong supporter of that idea, of ideas for ideas' sake. But a lot of what we do as lawyers actually is relevant and important.

You've been at LSE Law for two years now. What's it been like?

JH: Fantastic. It is a very, very good working environment. It really is. I've even started thinking a bit more economically when I look at problems, whether or not that's a good thing or a bad thing I'm not sure! In a sense, it takes me back to when I was at Oxford. It is not as elitist or complacent as the Oxford I joined in the 1980s, that's for sure. But in some ways it still values the small scale, the personal touch and contact between staff and students. A lot is made of that here. And it is something that when I moved away from Oxford I did miss.

I was going to ask you more directly about your experience at other institutions besides LSE, notably Oxford and King's College London. What are the distinctive qualities of the three law schools?

JH: This may sound like a diplomatic answer, but actually they all have their differing strengths. You have to remember, for a start, that Oxford Law is huge. I think there are about 130 or 140 members of staff. It's a global enterprise in many respects that has changed massively over the last thirty years. And the presence of the colleges makes it a very devolved structure, one in which there is not that much central direction. The model is an unusual one but it does work in its own way. And there is no point in denying that it is an excellent institution that does very good work on a big scale.

King's Law School is not as big as Oxford, but a little bigger than LSE Law. It shares with Oxford structurally an interesting feature in that because both have science departments the priorities of the universities are rather different from LSE's. One of LSE's great advantages is that it can be much more close-knit, since all its departments are in a broad sense humanities and social sciences. King's aspires to be and is a very modern law school a bit on the lines of a science department, by which I mean that it is very concerned with fundraising and keeping up with the internationalisation of its student body.

I think the lessons for LSE have more to do with the relationship with the central school authorities. At KCL there is a tremendously good central team, especially in terms of external relations and fundraising. They enthuse everyone – the scholars included – about the importance of their work. There is no sense of an 'us and them' culture about their activities, and they are a pleasure to work with. I feel that LSE has a long way to catch up on this front.

You were Chair of the Oxford Law Faculty for some time. What are you able to draw on those experiences as Head of LSE Law?

JH: The first rule of governing is "consult, consult, consult". It is a truism I know. But I tend to get easily enthused by some ideas, so this is something I have to remind myself about constantly. And at LSE there are many people with wide experience of what works and what doesn't work.

It is also important to remember that each person's problem is very important to them, even though within the great scheme of things it may not be. People are entitled, I think, not always to have you say that in the great scheme of things your problem is not all that significant, given all the other things I have to do. Even if that's true, people deserve to be treated better. It's hard always to do this of course, and people make mountains out of molehills in all walks of life, not just the scholarly world, but it's a tremendously important principle to remember if you're running any kind of institution.

How has the role of Head of Department changed given the big growth that has occurred over the last 10-20 years? Do British law schools now need a different management structure, along the lines perhaps of an American law school Dean?

JH: This is perhaps the most important question facing British law schools today. At the end of my term as Chair of the Oxford Law Faculty, I wrote a long paper for the Faculty Board arguing that the old model was no longer tenable, and that they needed a professional Dean who could be the outward face of the Faculty, dealing with the central university, their outward links, their fundraising and so forth. The paper was voted down, but later parts of it were adopted. King's have gone fully down this road. They have a professional Dean whose job it is to work with the Centre to run the Law School in a profitable and modern way. He spends a lot of his time flying around the world seeing potential recruits and donors.

One of the things I don't like about that model is that I don't think that it is desirable for a Dean to have the power over hire and fire, and in particular the Dean should not have a particular say in promotion. Why not? Because it poisons the atmosphere, essentially. If you are beholden to the Head of Department, that makes for an awkward relationship. And it gives people a real fear of being different, or an outsider. You should be free to be who you are, even if that means that you don't particularly get on with the Head of Department. So, in that sense, the model that is run here, with a Head of Department with certain powers but not others, and where there are collective decisions about promotion, strikes perhaps a better balance.

What do you think about tables and league rankings? We often do well in these. I mentioned the really excellent REF result earlier. We're apparently now 4th best in the country if you believe the Complete University Guide. 3rd if you take The Telegraph and 5th if you trust The Guardian. And according to the QS World Universities rankings, we're the 7th best law school in the world. Do you care about any of these? And to what extent should they affect us and what we do?

JH: Well, I care a bit. I don't care much about what they say to the outside world because I think that every intelligent person understands that there's only a small percentage difference, often miniscule and statistically insignificant, between top law schools. So whether you come 3rd or 5th in a particular table doesn't make much difference, and any intelligent person knows that. They also know that universities game the system, they put their best foot forward and so on, which can make the tables misleading. So in one sense I shrug my shoulders and don't take them as an indicator of how well we are doing at any one time.

However, in my experience league tables are taken very seriously by central governing institutions within universities. So doing well may improve your bargaining power as a department within the university or school as a whole. A lot hangs on it internally, even if we don't worry about it too much externally.

What about the student experience at LSE Law? On the whole it's pretty positive. But how can we make it even better?

JH: One of the things I've been hugely impressed by here is how much more time we can make for students by having a very good staff/student ratio. Although LSE students don't necessarily realise this themselves, their experience here is qualitatively much better than at other institutions as a result. However, having said that, it is clear that we do need to work on feedback, particularly for first and second year students. But when doing so we must understand that feedback doesn't necessarily mean just setting and marking more essays. We need also some innovative solutions and we need to experiment more with different types of feedback.

I also think that the remedy to some extent lies in students' own hands. I have been surprised by how little my tutees come and knock on my door or email me. I think the onus is on them to work the system that is already in place a little harder.

Thank you very much, Jeremy. And good luck!

Number 1, Again!

Professor David Kershaw

The academic year 2014-15 provided much cause for celebration at LSE Law. In December 2014 the Government announced the results of its six to seven-yearly assessment of research quality in UK law schools. For the second time in a row, LSE Law was ranked in first place among UK law Schools. This places LSE Law as the leading UK legal research institution for the past 15 years. And in 2014 we came first by some distance! This is a remarkable achievement for which thanks go to every academic in the Department for generating world class research and to our wonderful administrative team that have supported this research.

The Government's assessment process is now known as the Research Excellence Framework ("REF"). Until 2007 it was known as the Research Assessment Exercise ("RAE"). The process involves an assessment of three aspects of research quality: first, the quality of the books and articles produced by academic staff; second, the quality of the impact that research has in the real world, for example in influencing government policy and legal reform; and third, the quality of the research environment including, for example, the public events and academic seminars and conferences offered by law faculties. This creates a huge assessment task for the scholars who agree to serve on the REF Panel. Every submitted faculty member submits four publications, each one of which was read and graded by the Panel on a scale of 1* to 4*, with 4* work being the highest quality work. We owe a great debt of thanks to the scholars who served on the Panel for their remarkable commitment and dedication to our profession.

An unusual feature of the REF and the former RAE process is that there is a significant degree of discretion for Universities and faculties as to how many faculty members they wish to submit. A faculty could, for example, elect to have half or less of its faculty members submitted for assessment. In the past this has enabled institutions to claim that their submissions have been rated highly when only a proportion of their staff have been submitted. At LSE Law our view has long been that the process only makes sense if all or the vast majority of faculty members are submitted. Only in this way can we compare the research quality of different Law Schools. Importantly, in REF 2014 for the first time the data that was released included both the grading results of the submitted publications but also the percentage of academic faculty from each Law School who were submitted in the process. We are very proud to be able to say that in REF 2014 LSE Law had a 100 per cent submission rate.

The results speak for themselves and we include a small table of the overall results below. When adjusted for submission rates, on publication outputs LSE Law was ranked number one, ahead of Cambridge, UCL and Oxford in second, third and fourth place. On research impact we were also ranked number one and on research environment we came a very respectable second. The results provide further evidence that LSE provides global research leadership. When we say our teaching is research led we really mean it!

"LSE Law has excelled once again in the UK's nationwide assessment of research quality, impact and environment which is undertaken every six/seven years. The published results show that LSE Law is the UK's number one law school for legal research."

In the overall ranking when adjusted for the percentage of an institution's faculty that was submitted to REF 2014 (institutions may select how many staff they wish to submit) LSE is by some distance the number one UK Law School for research quality.

Overall League Table

Rank		Cat A fte	Submission Rate	GPA	4*	3*	2*	1*	U
1	London School of Economics	62.9	100%	3.39	53%	35%	11%	1%	0%
2	University of Cambridge	75.8	100%	3.31	44%	44%	11%	1%	0%
3	University College London	47.0	94%	3.12	47%	32%	13%	2%	6%
4	University of Oxford	108.9	95%	3.06	38%	42%	14%	1%	5%
5	University of Bristol	39.0	91%	2.95	37%	40%	13%	1%	9%
6	Birkbeck College	27.2	94%	2.78	23%	46%	24%	1%	6%
6	University of Nottingham	45.5	88%	2.78	32%	39%	16%	1%	12%
8	University of Kent	43.6	87%	2.74	31%	37%	17%	1%	13%
9	University of Ulster	18.8	82%	2.72	37%	35%	10%	0%	18%
10	University of Reading	26.2	94%	2.67	14%	51%	28%	0%	6%
11	Lancaster University	29.8	85%	2.61	24%	45%	14%	3%	15%
12	University of Warwick	31.0	78%	2.50	29%	37%	10%	1%	23%
13	Queen's University Belfast	31.0	78%	2.46	29%	33%	15%	1%	23%
14	Brunel University London	31.0	97%	2.45	6%	44%	44%	4%	3%
15	University of Strathclyde	19.7	86%	2.42	15%	44%	24%	3%	14%
15	University of Edinburgh	54.0	76%	2.42	32%	27%	17%	1%	24%
17	University of Essex	28.4	81%	2.37	19%	39%	23%	0%	20%
18	University of Glasgow	30.4	80%	2.36	21%	39%	17%	2%	21%
19	University of Leeds	29.0	71%	2.31	29%	33%	7%	1%	29%
20	University of Birmingham	31.8	78%	2.30	22%	33%	19%	3%	22%

Further details on the results and case studies detailing the Impact of LSE Law's research are available by scanning this QR code or by visiting bit.ly/LSELawREF2014

An Open Europe: interview with Professor Damian Chalmers

Emmanuel Voyiakis

They say that if you are not part of the solution, you are a part of the problem. For many people of my generation, Europe was solving problems. It gave us the freedom to travel, study, and find a job in other countries. It gave us protection against discriminatory policies of our own states. It promised a broader, liberal, integrated and inclusive society. Much of that optimism seems misplaced now. The aftermath of the financial crisis, and the response of EU institutions to it, has left Europe not only financially reeling, but also politically and even emotionally fragmented. That is evident not only in the UK, with the rise of UKIP on an explicitly anti-EU platform, but throughout Europe, from Spain and Italy to Greece and Hungary. Is this sentiment a by-product of hard economic times, or do its causes run deeper into the way the EU is built and governed? If the EU needs to change, how should we go about changing it, and to what end?

Few are as well placed to address those questions as Damian Chalmers, Professor of European Law at LSE. Damian's résumé features a wealth of academic and policy papers on a range of aspects of EU governance, from the role of democracy in EU decision-making to an examination of who are the real users of EU law in practice. He has served as Director of LSE's European Institute, and held visiting positions at the European University Institute (2004); NYU (2011); the National University of Singapore (2011); and the Austrian Institute of Advanced Studies (2012). But what I found most impressive in the course of our interview is that his deep interest in EU law has not stopped him from taking a critical distance to the "European Project" and its prospects of success. Damian Chalmers wants neither more nor less Europe. He wants an open Europe: open to democracy, open to contestation, open to revision of the force and limits of its law.

It has been said that governing Europe is like riding a bicycle. You have to keep pedalling or you're going to fall. It seems like people have stopped pedalling, doesn't it?

I'm not sure this is a good metaphor to begin with. I certainly don't believe that Europe always needs forward momentum. This assumes that either everything must be integrated, or the European project will collapse, and that would be a rather disastrous view of the political system and European governance in general. I like to think of integration as a balance of competing forces. Some things we do well together, some things may be better left to national systems, in some areas we could use Europe as a way of encouraging national systems to reflect more about their own practices and political decisions. The other reason I find the bicycle-riding analogy suspect is that I tend to see the development of the EU more as a series of motorcycle crashes! There's nothing to propel European integration more than a good crisis. All the big moments of European integration, and certainly most of the EU treaties, have been precipitated by some political or economic crisis that led states to decide to shift up a gear. And actually, for all the political discontent in Europe, that has happened this time too. As a consequence of the crisis, EU institutions have acquired a lot more powers, not only over countries like Greece, Portugal or Ireland, but also more generally.

But how do we tell whether that concentration of power is a good or a bad thing?

I think that there are two aspects here. For a start, I think that the EU is there for the same basic reason that any form of government is there: to take decisions that would not otherwise be taken. And unless we are thinking about totalitarian states, governments are not there to be popular. As I see it, the amazing thing about the EU is that it has remained as popular as it has because, unlike in national systems, at the European level we don't really have a clear distinction between the nation and its government. Someone may be deeply unhappy with the Greek government and still consider oneself Greek, but someone who is deeply unhappy with the EU because its policies affect him or her adversely won't necessarily feel the same political affiliation with "Europe". The other aspect is that, if you look at the history of support for the EU, both in the UK and throughout Europe, current levels of support, or lack of support, are actually very similar to average historical levels. What has changed, particularly in other parts of Europe, is that the EU has moved into areas that are much more politically salient and divisive, for example tax policy and migration. These policies are perceived to create winners and losers and that obviously has registered in political debates in many member-states.

Doesn't this expansion of EU competence lie at the heart of what has been called the EU's "legitimacy deficit"?

There is a lot of truth in that. Quite a lot of what the EU does could be done perfectly well by national parliaments, or just by civil servants. The real argument in favour of doing things

through the EU is that sometimes those alternatives do not work very well, e.g. when a national parliament might not be well placed to do certain things on its own. There are a lot of different reasons why that might be the case. For example, the EU spent thirty years discussing the content of chocolate and that is something that would never be done in a national parliament, largely because no national parliament would devote the time, or have the "attention span" required to address some of the more complex scientific and public health aspects of chocolate. It also has to be said that many legitimate interests are not well catered for in national political systems. Minority and regional interests, the environment, the interests of consumers of financial services, of the disabled, as well as certain diffuse interests such as those of women and consumers, are just some examples. So it's no surprise that the EU has pushed forward legislation in those areas that are more progressive than what most national parliaments would be likely to pass.

For the first time in recent UK political history, we see a party, the UK Independence Party, whose explicit political platform is to take the UK out of the EU. Given your view that some things are better done at EU level, what is your perspective on the political debate about UK's membership?

I think it's good that we have political contestation about the matter. My own view is that, to the extent that it's introduced the issue in a much more vibrant way, UKIP has done us a democratic service. What is more problematic is that the debate has become very unstructured, populist and, frankly, quite parochial, for a number of reasons. For example, if you visit the UKIP website, you won't find much by way of a principled criticism of the EU, but you will find a lot against immigration. I think that one can make quite a lot of legitimate criticisms of the EU without slipping into an anti-immigrant position. At the same time, I find it equally problematic when people defend EU membership on the basis that it benefits our GDP. In both cases, the way the debate is conducted ignores the winners and losers of the particular policies, as well as the broader issues about the kind of relationship we want with Europe.

What would you want the parameters of that debate to be?

I'm a great believer in representative democracy and the party political system. One of the most appealing aspects of that system is its ability to generate debates within parties, to create a balanced but varied policy platform. The Conservative Party are fractured on the matter and the debate within their ranks has sometimes seemed more like a vehicle to advance certain political careers. For their part, Labour closed down that debate. The Lib Dems used to be quite a federalist party, but now they seem simply to want to preserve the status quo. The Greens and UKIP are having a little more of those internal debates, though it's not clear whether they have managed to rid them of certain strong prejudices. My own view is that a proper platform for the debate must be differentiated. Rather than look at the EU as a monolithic structure, we must look at a range of different institutional processes and policies. And throughout, my guiding question would be: what sort of political community do we want to live in?

This doesn't seem to be a question specific to Europe…

That's precisely the point. I don't think issues about Europe and its governance are fundamentally independent from issues about national governance. Europe is a mirror about how we see our national systems and governments, if you will. This suggests some basic policy directions. For a start, I think there has to be a much greater sense of political ownership of EU decisions. For example, I have proposed that two thirds of national parliaments should be required to say yes to a new EU measure, and that national parliaments should be able to opt out of certain new EU laws and regulations. This strikes me as having a much better chance of generating national engagement with the EU, which in turn would allow us to think about what sort of community we want to live in. Second, I think it is also very important that we revisit the authority of EU law. No matter how you cut the statistics, about 35-45 per cent of EU population are coming out against the EU, and that is a constituency whose concerns we must take very seriously. More specifically, I think that the EU must allow for two things. First, an idea of 'principled protection', that will provide everyone with certain safeguards in certain cases where national parliaments do not consider those safeguards necessary. Second, it must provide for citizen initiatives from people not adequately represented by their parliaments. I think that this last aspect is crucial. One thing people tend to miss is that the EU tends to benefit certain types of citizen, e.g. mobile citizens, or citizens with an EU member-state nationality. The EU has had little to offer to 'immobile' citizens or non-EU nationals who live in the EU. We have to think very seriously about the rights, entitlements, claims and status of those persons.

> "It's difficult to choose one aspect, so I'll simply say that we have amazing students, really interesting colleagues, both in Law and the rest of LSE, and a wonderful diversity that is hard to find anywhere else."

That sounds good, but are your concrete proposals realistic? Take your proposal that new EU legislation should require the consent of two thirds of national parliaments. Won't this make decision-making much too cumbersome?

I hear that criticism a lot. My response is that the problem goes the other way. If anything, EU law-making has become much too uncumbersome. Whatever the process might look on paper, if you look at what actually happens, the process is much too short and, actually, not very transparent. The Commission proposes new legislation, EU Parliament looks at it, the draft is then circulated to states, there is a meeting between a few MEPs and a few Commission officials and you have an agreed law. This doesn't strike me as a particularly long-winded legislative process, and in many ways it's an unsatisfactory one, so introducing a process which requires national parliaments to say yes by a certain margin should, in principle, be both possible and desirable. We can always think of ways for stopping abuses of procedure, e.g. when one or two states are holding everyone back on some crucial issue, in much the same way that national systems have had to come up with solutions to similar problems. But we would not need to reinvent the wheel, so to speak.

So your answer is, basically, to bite the bullet: you say "if my proposal makes EU law-making more cumbersome, so be it".

Yes, I think so, though I'm not convinced it would block things too much. And even if it did, then you'd have to think: was the blocked measure so important, did we really need it? My core assumption is that we live in a by and large liberal polity, and the starting point should be that no collective legislative action is necessary unless the matter reaches a certain threshold of seriousness.

You also propose that a member-state should be able to opt out of a law when an independent study shows that the benefits of that law for that state are much lower than the burdens. You also say that sometimes parliaments should be allowed to deviate from EU law when they judge that there is a strong and clear necessity for them to do so. Don't these proposals open up lots of potential for abuse?

I'm sometimes told that this would be the end of the EU as we know it, but I'm unconvinced. First, there is the example of Norway. Norway does not accept the primacy of EU law, though it applies most of it. For their part, supranational institutions have a supervisory role in relation to the implementation of EU in Norway. The strange thing is this: Norway's compliance levels with EU regulations are really high. Now you might think that Norwegians care more about their neighbours than the British would, but for me the explanation is very different. It has to do with the fact that very little of EU law can actually be invoked before national courts. My guess is that the figure is around one per cent, which is an exceedingly small proportion. This doesn't mean that EU law isn't enforced, but that the main way of enforcing it involves the Commission taking national governments to the ECJ on infringement proceedings, not individuals taking a case to a national court that goes on to apply EU law. If that is the case, then we have some reason to think that allowing member-states to opt out would not necessarily destabilise the system. The further problem is that the current system encourages secretive deals between national civil servants and Commission officials on the application of EU law. My proposal tries to make the process of challenging the application of EU law more structured, open and transparent.

But who would be the judge of what constitutes "necessity" for departing from EU law?

Necessity may be too legalistic a term. If a national parliament wanted to pass legislation that overrode an EU law, it has to justify it, and to explain the impact of this on other EU citizens and those who are not adequately represented in its own territory. There is a cost to this, because other member-states will look at the decision and may take the view that the decision in question has not been justified properly, or taken sufficient account of those other interests. Those member-states may therefore propose countermeasures in response and so on. Of course one

would have to see how the procedure I'm advocating would develop in practice, but I don't think it would be used all that much for two reasons. First, there is limited parliamentary time and the appetite for conflict isn't there as much as one would think. Second, when push comes to shove, it seems to me that national parliaments would consider the position a lot more carefully. Bankers' bonuses seem to me a good example here. Proposals towards restricting the proportion of performance-related remuneration in bankers' pay have been around for a long time. The basic argument for a cap on bankers' bonuses is that high bonuses encourage excessive risk-taking. The UK took the position that this is a national, not an EU matter, and that UK Parliament should be allowed to take control of the problem in its own way. At the same time, the consequence of that attitude might be that UK banks will no longer be able to engage in transactions in other EU states. So while UK parliament may have the prerogative to take that decision, I imagine that when they look at the bigger picture, even bankers will realise how much of their bonuses depend on transactions with the EU area.

Still, won't the option of opting out of certain laws encourage a myopic or short-termist attitude? A member-state may be a net loser in relation to a certain law, but a net winner in relation to another. What you are proposing seems to me to undermine the possibility of seeing EU law as a sort of "package deal".

I am not sure about this. The package deal idea works if we look at EU affairs as problems of international relations. If we look at them as things that make a difference in our everyday lives, it seems to me that the "package deal" argument carries less force. One reason I do not like it is the sweep of the horizon it imagines. For example, you can always tell Greek people that they are currently suffering for the greater good, or for the good of future generations or for the whole of Europe, and so on, but in my view the grand scale of that vision fails to register present and immediate suffering. I think there has to be a possibility for some suppleness and attentiveness to the small scale. That doesn't get around the problem of free-riding or gaming the system, but maybe a mechanism of justification for departing from EU law, coupled with the possibility of counter-measures on the part of other states, would have a good chance of containing that danger.

In a recent paper you said something very provocative: that EU law was designed more to further the interests of EU governments that European peoples. What do you mean by that?

For one or another reason, the image many people have of the EU is that of the defender of the rights of little people. That is not quite the case. If you look at who litigates in the EU, what you see is that the most dominant litigators are arms of government, not individuals, and one has to wonder about why that happens. My view is that this is closely related to the fact that much of EU law has been designed to give EU institutions and national governments new regulatory powers in areas such as environmental protection, financial regulation and so on. The emergence of EU law in those fields has actually led to the creation of new national bureaucracies, and created a thicker web of EU and national regulation. Therein lies the paradox of the EU: it's given us a free and rather liberal market, but it's also given governments the possibility of taxing and regulating transnational conduct.

My overall impression is that you want to open entrenched ideas about EU law and what the EU should be doing to contestation. Would that be a fair reflection of the thrust of your work?

Yes, absolutely. I think that if we opened up the EU to more contestation, we'd be more relaxed about where its competencies lie.

Let me turn to EU in the classroom. You've taught EU law in many countries. Do student attitudes differ, e.g. are UK students more Eurosceptic?

One of the great things about teaching at LSE is that our students come from all over the world. I don't know whether Euroscepticism is the right word for it, but what you do find teaching at LSE is a beautiful cross-section of attitudes. For example, a non-EU student might find all this talk about European identity rather exclusionary, a British student might be more inclined to take a more sceptical view, while a student from other parts of Europe may be more favourably disposed to a federalist view and so on. But it's clear that a lot of the "romanticism" about the EU is gone, and maybe that's a good thing. By the way, both Eurosceptic and federalist students are some of the most engaging students to teach, simply because they are passionate about the issues.

You spent a lot of time running the European Institute. Tell us a little about its work and its aims.

In one or another way, I was involved with the Institute for about twenty years, and have been very proud of that. The

Institute is made up of people from very different disciplines and that is part of its very nature. One thing it has always been very good at is public engagement. For example, in the four years I was in charge, we had over one hundred public events per year, and the trend has continued upwards since, with topics ranging from classical philosophy, economic and political theory, country-specific events on Turkey, Spain, Greece, events with serving public officials, politicians, journalists and so on. The main idea was to organise our activities not so much around an academic discipline, as around different "phenomena" and themes, and people have responded wonderfully to that challenge.

Final question: what is it that you enjoy most in working at LSE and in LSE Law in particular?

It's difficult to choose one aspect, so I'll simply say that we have amazing students, really interesting colleagues, both in Law and the rest of LSE, and a wonderful diversity that is hard to find anywhere else.

To learn more about Damian Chalmers, visit lse.ac.uk/collections/law/staff/damian-chalmers.htm

To access the papers mentioned in this interview and many more papers by LSE Law's experts, visit the LSE – Law, Society and Economy Working Paper Series page at lse.ac.uk/collections/law/wps, where you can also sign-up for regular e-mail updates.

Emmanuel Voyiakis is an Associate Professor in LSE Law.

One minute in the mind of… Dr Veerle Heyvaert

What are you working on at the moment?

I'm just finishing up a chapter that examines the impact of transnational environmental regulation on conventional understandings of the location, sources, disciplinary organisation, functions and structure of law.

…and that's part of which broader research project?

It's part of a project on the transformation of environmental regulation. A large proportion of environmental rules are no longer issued by individual states, but by supranational organisations, by private actors and/or networks of regulators. My research investigates how this transformation has changed the selection of goals for environmental regulation, the choice of techniques used to influence behaviour, and the effectiveness and resilience of environmental regulation. On a good day, the completion date for this project is around 2017. On a bad day, posthumously.

What was the last conference or event in your professional calendar?

I very much enjoyed hosting Douglas Kysar (Joseph M. Field '55 Professor of Law at Yale Law School) at LSE in May. Doug is one of LSE Law's Shimizu Visiting Professors. During his stay, Doug gave a public lecture on the prospects for climate change litigation, which was my privilege to chair.

What do you teach at LSE?

I teach Law and the Environment, and Law and Institutions of the EU to our undergraduate students, and transnational environmental law in the LLM and Executive LLM Programme.

Do you share in the joys of LSE administration?

I've had my fair share of form-filling and committees over the years, but I shouldn't complain because at the moment I have the best admin job going: together with Jeremy Horder I'm Director of LSE Law – Alumni relations. Our Law alumni are a dynamic and enterprising group, which makes my administrative role a real pleasure.

Name one daily chore you can't avoid.

Facing the inbox.

What's your commute like?

Quite moving, really.

What's the next arts event in your calendar?

I am patiently counting the hours until Roger Daltrey and Pete Townshend walk on stage in Hyde Park on 26 June.

What recent news story have you been thinking most about?

As I'm writing this, an online news server has just broken the story that LSE management has announced that, unless the Occupy LSE movement ceases its protest, it will have no choice but to escalate to legal action. Our institution is proud to have among its faculty some of the world's most creative minds in disciplines such as management, government, and communications. Whatever the merits of the students' demands, I cannot help but feel that threatening legal action after 12 days of peaceful protest is a failure of the imagination.

Tell us about a non-law book you're reading

At the moment I'm reading *Mirabeau and the French Revolution* (Charles Warwick & John Neill). I enjoy reading historical biographies, and the French Revolution is an endless source of fascination – it's history's greatest tale of triumph and tragedy.

Next on my shelf is Knausgaard's *My Struggle*. I'll try to hold off until summer because I've been warned it's addictive. A Mantel-fuelled winter of sleep deprivation a few years ago has taught me a few lessons on that front.

Douglas Kysar's lecture "Who is Legally Responsible for Climate Change?", chaired by Veerle Heyvaert, can be viewed at bit.ly/LSEKysar

Lewina Coote: Finance Officer…and the Department's "Butterfly"

Devika Hovell

To anyone who knows Lewina Coote, mention of her name can't help but conjure the image of her broad smile and irrepressible "hello!" often delivered at high speed as she dashes around the Department. Currently training as a solo opera singer, her favourite aria is "Un bel dí, vedremo" from Madama Butterfly. Often strikingly dressed in fuschia and green, it does not seem premature to recognise Lewina as the Department's "Butterfly" in advance of her Covent Garden debut…albeit one with an uncanny knack for numbers.

As the Department's Finance Officer, Lewina has key responsibility for LSE Law's budgets and finance monitoring process and is the contact point for all finance queries. "Numbers" is less a profession than a calling to Lewina. As a girl, she was denied the opportunity to do any maths subjects and was put into an Arts stream. She ended up studying the history of the Commonwealth at the University of Birkbeck, specialising in India and Africa. Yet she was always conscious she had a numerical mind. Twenty years after she had been denied the opportunity to take mathematics at secondary school level, Lewina elected to apply for the numeracy stream of a teacher-training course, and ended up scoring 99% in the mathematics exam, which she completed in record time. Numbers, it seems, came naturally to her.

Lewina has an interesting history. Describing herself as "overseas Chinese", Lewina was born in the Far East and brought up in the British education system. Interestingly, she attributes her "rebellious streak" to her time within this system. She bucks convention and baulks at procedures, preferring to pay attention to individual circumstances and context. This explains Lewina's capacity to balance an accounting career with her role as a tutor of those with learning difficulties such as autism, dyslexia, hearing and sight impairment. Colleagues in LSE Law have benefited from Lewina's expertise and understanding of the different ways in which people learn. In her own teaching, she incorporates different Visual Auditory Kinesthetic (VAK) learning styles based on learning through seeing, hearing and touch. She finds the experience incredibly rewarding. In her words, "I am teaching adults who may have been told they are stupid all their lives… yet end up discovering through different teaching techniques that they have not necessarily been the ignorant ones".

In yet another string to her bow, Lewina has been the Chair of EMBRACE since March 2013. EMBRACE is LSE's black and minority ethnic (BME) staff network, established to raise awareness of and influence change around culture and diversity issues affecting LSE staff. The aim of the network is to provide support as well as development and networking opportunities for all members. Membership of the network has more than doubled in the last year and is open to all LSE staff. It holds regular events. A celebration of the Chinese New Year in February 2015 was described as an excellent example of interdepartmental collaboration, promoting cultural understanding as well as breaking down barriers, and received very positive reviews from those who attended.

2014/15 marks Lewina's tenth year at the London School of Economics and Political Science. Fittingly, it was through an act of kindness that Lewina came to work at LSE. Sitting in a café, she overheard some stressed students discussing their upcoming exams. When they left, she noticed that they had left a notebook. In an effort to return this to them, she looked inside the notebook and saw a reference to LSE. She recalls having to look up "LSE" online to find out exactly what it was and where to return the notebook. In doing so, Lewina came across an advertisement for a job that was almost tailor-made for her at LSE. The students got their notebook back…and Lewina got the job. LSE Law has been the beneficiary of this act of kindness and many others from Lewina over the years. We pay tribute to Lewina after a decade with LSE and count our good fortune to have such a vibrant virtuoso in our midst!

Mike Redmayne

18 June 1967 – 10 June 2015

The tragically early death of Mike Redmayne is a devastating loss for the Department of Law, for LSE, and for legal scholarship.

Mike joined the Department in 1999, moving to us from Brunel University, where he had taught for two years following his first post at the University of Manchester. A graduate (both undergraduate – Law with French – and PhD) of the University of Birmingham, and a talented climber and cyclist, Mike might well have been drawn to a career at Manchester, nearer to his native Cumbria. But, to LSE's great good fortune, Mike's beloved partner Louise was based in London, and Mike headed south to join her.

It is comforting to recall the pleasure which Mike took in his job at LSE. Virtually from the day he arrived, he was central to the Department: a key member of the criminal law team; the genius of evidence scholarship and teaching; in due course a hugely respected director of the LLB programme, member of the APRC and of the Promotions Committee and a very successful articles editor of the Modern Law Review. He used not only his erudition but his marvellous dry sense of humour and timing (not to mention his taste for the absurd, in which both criminal law and evidence cases of course excel) to excellent effect in his teaching. But in doing so, he never detracted from the core business at hand. That is why his students revered him as well as enjoying him. In 2008, he was awarded the Department of Law's teaching prize: he remains in 2015 the only full professor ever to have been distinguished in this way. His devotion to teaching is exemplified by the fact that he insisted on continuing until just a few weeks before his death, his dignity and composure such that many of his students were unaware that he was gravely ill.

For most of Mike's 16 years at LSE, I had the pleasure and privilege to work with him on the criminal law team. I was immediately impressed by his intellectual speed and sharpness and his collegiality, though Mike's natural reserve meant that it took a little while for us to build the friendship which I enjoyed with him over the last decade. This happened partly through humour, and partly through shared intellectual and cultural interests. One story sums up not only Mike's mischievous sense of fun but also his conscientiousness. Mike was a quick study, and it didn't take him long to work out that my primary intellectual concerns were legal theory and history rather than doctrinal analysis. He loved to tease me about this. One Sunday evening, I received an email from him along the following lines: "Hi Niki, I know you think I'm the kind of sad ******* who spends his weekends on law websites, but did you notice that the House of Lords has just … (some important new case followed)." Even during his last months, he was still tutoring me: I remember a particularly hilarious exchange just after I had delivered the sexual offences lectures, which he had been giving for the last few years. I wrote to ask him if it was his impression that the facts of the key cases had become yet more incredible in recent years. Mike responded with gusto, providing me with a raft of yet more incredible examples, including – his personal favourite – a man who was placed on the sex offenders' register for simulating sex with his bicycle…

More seriously, I learned a huge amount from Mike about evidence, and in particular about the debate about the pros and cons of character evidence, so brilliantly and meticulously dissected and reconstructed in his fine recent monograph *Character and the Criminal Trial* (OUP 2015). This book illustrates two further qualities. First, Mike was a courageous and independent-minded thinker. When he started work on character evidence, the general tenor of liberal scholarly debate about the subject in this country was, roughly speaking, that character evidence was a case of "Give a dog a bad name and hang him": only reactionaries would contemplate extending its admissibility in the common law. Mike, well aware of both the fuzzy historical origins of the rule in English law, and of the standard admission of character evidence in civilian systems, and with a real command of the empirics, looked at the subject dispassionately, analytically, and exhaustively. The result is a fine, nuanced analysis and one whose conclusions thoroughly unsettle the orthodoxy. It is sure to have a huge impact on the field.

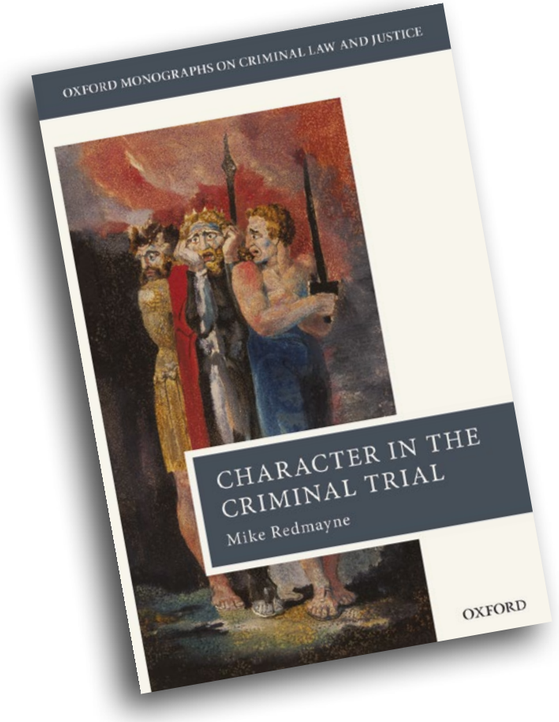
Second – as his students know so well – Mike expressed himself with an admirable economy and lucidity which nonetheless combined in a rare way with a truly literary elegance of expression. Indeed Mike brought his fine aesthetic sense to every aspect of his work: the Mike who wrote so beautifully

was Mike the voracious reader of poetry, essays and novels, a particular admirer of masters of prose style like Tobias Wolff; the Mike whose two books are also beautiful artefacts was also the Mike who loved music, good food and wine, sweeping landscapes and mountain ranges; and the Mike who cycled to work each day, even through the worst of weathers, was the Mike who, having swept into the Department in full Lycra regalia, emerged magically from his office ten minutes later in quietly stylish working clothes. I will never forget the fleeting expression of amused disbelief which flickered across Mike's face when he and Louise arrived last summer at our holiday home and I asked him if he would like to use one of our (perfectly serviceable but bog standard) bikes. A moment later he emerged from the boot of their car brandishing his super-sleek racing bike. Even a bicycle philistine like me could appreciate this to be an object of real beauty.

Mike is mourned by not only his colleagues but by the many hundreds of students whom he instructed and inspired over his distinguished career at LSE. We will remember him as the best of colleagues, the best of teachers, the best of friends: brilliant yet modest; reserved and yet exceptionally witty; generous; utterly reliable; irreplaceable. Our thoughts are with Louise and the other members of his family.

Professor Nicola Lacey

Aside from being a world-class scholar, Mike was a keen outdoors sportsman. He was a rock climber, a cyclist and a trekker. He also enjoyed mountain and cycling literature and movies. Our friendship mainly developed outside the walls of the New Academic Building, on the cliffs of Swanage, the ragged rocks of the Peak District, and the roads of Cumbria. Some students of Mike – acquainted with conditional probability and Bayes' theorem – may picture him sitting at his desk trying to calculate the probability that two evidence-law scholars share so many passions. In fact, Mike and I once tinkered with the thought that a link exists between being fond of evidence law and loving the outdoors. We quickly discarded such relationship as outlandish: my encounter with him was just a marvellous coincidence.



What follows is a tribute to Mike's consistency – a trait that many who knew Mike had the opportunity to witness. The qualities that made him stand out as a scholar and a teacher were the same qualities that made Mike such a special companion at the crag and on the road.

Mike was self-effacing in his scholarship and in his demeanour at work. He would have no issue with telling his students that he did not remember the facts of a particular case, that he felt unable to answer a question on the spot, that his theories had flaws and that the students themselves may be able to perfect them. Openly acknowledging one's limits – whether or not the others recognise them as such – requires considerable confidence in one's strengths. Disregarding or denying them, instead, is often the sign of over-confidence. This is a trait that Mike certainly did not possess. The fine line between confidence and over-confidence plays an important role in climbing. As with his teaching and writing, Mike was aware of his weaknesses and strengths as a climber. He knew that he was not strong on overhangs and that he needed to train specifically for them before embarking on a steep route. However, he also knew that he had a fine technique on slabs and he would not shy away from putting himself in situations that I considered terrifying, tip-toeing on small foot-holds with the last protection hanging metres below. Had he called into question his strengths at that time… well… you would have probably seen him walking with crutches in the New Academic Building at least once.

Mike always gave me the impression of knowing what was the right thing to do in a given set of circumstances. What is more remarkable, Mike always seemed capable of putting his decisions into practice with self-possession and serenity – whether the decision concerned renouncing to a day out climbing his last project because of work or family reasons, whether it concerned giving up the chemotherapy and waiting for the illness to follow its course. I admired him greatly for this and I knew that it was not just façade. Mike was a transparent person: his impressive – sometimes baffling – exterior demeanour reflected internal strength and poise. It is inevitable for me to relate Mike's solidity and composure to the qualities of rock, in particular, of a gritstone boulder standing somewhere in the Peak District. One of those boulders with rounded handholds and smeary footholds, no loose edges nor sandy cracks: an impenetrable and compact block of rock requiring careful interpretation before the climb. And yet, when you finally manage to read the line, it feels as if you had understood something important, something that is worth considerably more than the effort and the wait.

Mike's evidence scholarship had a very wide scope. He wrote about virtually every problem in English and Welsh evidence law that deserved theoretical attention: standards and burdens of proof, sexual history evidence, the right to silence, the privilege against self-incrimination, the paradoxes of statistical evidence, the right to confrontation, entrapment, improperly-obtained evidence and, obviously, expert evidence and character evidence – the topics of his two monographs. His articles and books feature in the reading lists of university courses across the country and overseas, and have left a mark in scholarly debates worldwide. Mike's attitude towards the outdoors was similarly open and adventurous. He had his favourite disciplines, rock climbing and cycling – which are already very varied in themselves! However, he liked to challenge himself with other outdoor sports as well, such as ice-fall climbing, alpine climbing and fell running. He just enjoyed being out there – whether in winter or in summer, with the rain or the sun, with company or alone.

Mike was terse and intense in his communication. Both in writing and in speaking he definitely epitomised the maxim "say less to say more." After reading drafts of my papers he would often suggest that I use fewer words to express an idea, that I cut a whole paragraph or section, that I put in the footnotes all that is not essential – in fact, he would probably disapprove of the length of this eulogy! I often wondered whether this trait of Mike was related to his attraction for the outdoors. After all, the outdoors is a place where words may be superfluous. It is gestures and actions that count mostly; and atmospheres may be such that no word could possibly add to them.

Mike cared for his climbing and cycling partners as he did for his younger colleagues. Not only did he make sure that his fellows were having a good time; he would also take it upon himself to teach the nuts and bolts, as well as the tricks, of the discipline. This was always done with discretion, modesty and, of course, few words. Now that Mike is gone, some climbers, some cyclists, some young scholars will have to do things on their own. I believe that memory is an endless source of teachings. We only have to keep it alive, and I doubt it will be hard for us to do so.

We will miss you Mike: in class, at the crag and on the road**.**

Dr Federico Picinali

Appointments and awards

Appointments

Professor Christine Chinkin has been appointed Emeritus Professor of International Law and is the Director of LSE's Centre on Women, Peace and Security. Full details of the new Centre can be found on page 36.

Professor Linda Mulcahy ***(pictured left)*** has been appointed as the first Director of the PhD Academy, which will launch in September 2015. The PhD Academy is being created in response to a strong demand from PhD students for a dedicated place where they can get the information and support from centralised services, which provides dedicated space for a common room, advanced teaching and interdisciplinary workshops, and enables them to create a stronger sense of community and belonging to LSE as a whole. The physical element of the PhD Academy is currently under construction on the fourth floor of the Library and should be completed by the end of September 2015. Professor Mulcahy will work with the Pro Director for Research, Julia Black, to ensure that the School takes full account of its PhD activity in developing its overall strategic thinking, its research strategy and the infrastructure for interdisciplinary research by our research students.

Dr Chaloka Beyani, ***(pictured left)*** Associate Professor in LSE Law, has been nominated by the United Nations Deputy Secretary General to be a member of his Senior Experts Group on Human Rights Up Front (HRuF). Dr Beyani addressed the World Humanitarian Summit preparatory meeting for the Middle East and North Africa in his capacity as UN Special Rapporteur on the Human Rights of Internally Displaced Persons in Amman, Jordan, 3-5 March 2015. Before that he undertook an official mission to the Central African Republic and Cameroon 9-15 February 2015.

Following her work on the effect of custody chains on investor rights, **Dr Eva Micheler** has been appointed a member of a steering group for a project at the Department for Business Innovation and Skills. The project was launched in December 2014 following the implementation of the Kay Review and is entitled "Understanding the intermediated shareholding model".

Congratulations to **Professor Michael Bridge,** who has been appointed Bencher of his Inn of Court, the Middle Temple. The Inns of Court have an historic role in the training and regulation of barristers. Each Inn of Court is governed by a Treasurer, who acts for one year, with the help of the benchers, who are senior barristers and act as the Inn's governing body or "Parliament".

New appointments

Professor Gerry Simpson, ***(pictured left)*** currently Kenneth Bailey Chair of International Law at Melbourne University, has been appointed to our Chair of International Law. Gerry will join us in January 2016.

Dr Niamh Dunne will be joining us in September 2015. Niamh is currently a Lecturer in Law at King's College London, where she teaches Competition, EU and Tort law.

Two new Fellows join LSE Law in September 2015. **Manuel Penades-Fons** was an LLM student at LSE in 2008-9 and has been a guest teacher for us in the area of commercial arbitration for several years. Manuel was formerly a Teaching Fellow at the University of Warwick. **Michele Finck's** DPhil is from the University of Oxford, where she has been teaching EU Law.

Awards

LSE Law warmly congratulate **Professor Julia Black** ***(pictured left)*** and **Professor Michael Lobban**, who have just been elected Fellows of the British Academy. Seven LSE academics, including LSE Director **Professor Craig Calhoun**, are among 42 highly distinguished academics from 18 UK universities elected British Academy New Fellows for 2015 in recognition of their outstanding research.

On Thursday 2 July, the University of Edinburgh awarded **Professor Martin Loughlin** ***(pictured left)*** an honorary Doctorate of Laws "in recognition of his outstanding academic achievement in the understanding of the history and contemporary significance of public law".

Class Teacher Awards are nominated by academic departments in recognition of the special contribution made by graduate teaching assistants, teaching fellows and guest teachers to their work. This year's LSE Law winners have been announced as **Anthony Jones, Cressida Auckland, Manuel Penades-Fons** and **Simon Witney.** Congratulations to all four winners and thank you for your contributions to the Department.

Dan L. Burk ***(pictured left)*** is Chancellor's Professor of Law at the University of California, Irvine, where he is a founding member of the law faculty. In 2015's Lent Term he was awarded the Leverhulme Visiting Professorship in LSE Law and delivered three public events on patents. The events can be viewed at bit.ly/LSEBurk

On 18 December 2014, **Dame Hilary Mantel** and **Professor Andrew Ashworth** were both awarded honorary doctorates from LSE. Dame Hilary Mantel, twice winner of the Man Booker Prize and former undergraduate student in LSE Law, was awarded Doctor of Literature. Professor Andrew Ashworth CBE QC (Hon) DCL, Emeritus Vinerian Professor of English Law at the University of Oxford and graduate of LSE Law in 1968, was awarded Doctor of Laws.

Promotions and new arrivals

Promotions

Tom Poole and **Andrew Lang** have been promoted to Professor, with effect from 1 August 2015 – congratulations to both.

New arrivals

In 2014-15, **Dr Nick Sage, Dr Insa Koch** and **Dr Andrew Dyson** all joined LSE Law as Associate Professors and **Patrick O'Brien** and **Paolo Saguato** were appointed as LSE Fellows – welcome to all.

Visiting Professors

In June 2015, **Mary Stokes** joined LSE Law and in September 2015, **Christopher Kuner** also joined us, both as Visiting Professors until 2018.

Farewells

Departures



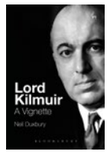
Patricia Palacios-Zuloaga ***(pictured top left)*** has left LSE Law to take up a Lectureship at Essex; **Zelia Gallo** ***(pictured top middle)*** has been appointed to a Lectureship at King's College, London and **Mara Malagodi** ***(pictured top right)*** is moving to a Lectureship at City University. We thank all three for their valuable contributions to LSE Law and wish them every success for the future.

Administrative staff changes

Goodbye to **Gillian Urquhart** who has been appointed as the Department Manager for LSE's Department of Methodology. **Joy Whyte** joined LSE Law as Department Manager in August 2006 and is leaving us to take the post of Executive Officer to LSE's Inclusion Task Force. **Matt Rowley** joins us from the Finance Department to succeed Joy as Department Manager (Strategy and Resources). **Dianne Delvaille** took the opportunity for early retirement and departed in March 2015 after just over ten years' service. **Malcom Smith** departed the Department in late 2014 following his maternity cover post for **Harriet Carter,** who returned to her post of Department Manager for Operations and Personnel in January 2015. **Jen O'Connell** is on secondment to the Economics Department for 18 months and in August we welcomed **Enfale Farooq** as her cover.


Welcome to **Giuseppe Capillo** who has joined as Department Receptionist, **Michele Sahrle** ***(pictured above left)*** who takes Gillian's former post of Service Delivery Manager for Postgraduate Taught Programmes, and **Rozia Hussain** ***(pictured above right)*** who has been appointed as the Department's Service Delivery Manager for Knowledge Exchange and Impact. Welcome also to **Anna Lisowka,** who will provide maternity cover for **Gosia Brown** on the Executive LLM programme.

New books



Duxbury, Neil (2015)
Lord Kilmuir – A Vignette
Hart Publishing, Oxford, UK
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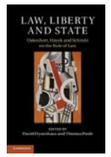

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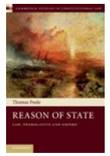

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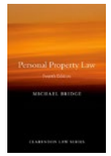

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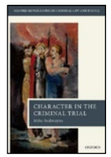

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Young Woman of the Year

Let Us Learn: campaigning for equal access

My name is Chrisann Jarrett, I am 20 years old and originally from Jamaica. Although I have yet to fulfil the mantra of "work hard play hard!", studying gives me much joy. After surviving my first term at LSE I sigh, looking back with a smile at registration day when I queued for an hour and was then granted my very own LSE student ID. It's been a long time coming. Relief is what I felt when LSE offered me a scholarship allowing me to commence my degree. Not so long ago I was writing a response to a parliamentary inquiry into the Youth Justice System and now I'm here and doing what I have always wanted to do – study law.

Chrisann Jarrett

Last year I started my own campaign called "Let Us Learn". I campaign for equal access to higher education and focus on the issue of young migrants who are lawfully in the UK but are unable to take up their places at their chosen university. This is because of the discriminatory student finance rules which prevents ambitious young people from getting student loans as they are described as "not eligible" due to the amendments in the Education Regulations 2011. Through this equal access campaign I have met so many amazing young people who have been taught that education is the gateway to a successful life, some of whom want to study Chemical Engineering, Mathematics and International Relations and all are self-driven.

Having faced this issue myself I was forced to take a gap year after completing my A-Levels in 2013. During this time, I didn't allow this situation to overcome me and instead, whilst completing my internship with Just for Kids Law, I was able to channel my energy towards the system and put the campaign issue on the map.

In October 2014 an article was posted on The Guardian online speaking about the "Let Us Learn" campaign and the barriers to higher education. This provided a lot of momentum but I thought it interesting to scroll down and read the comments section (much to my regret). I was livid having read how venomous some of the comments were. But Rosa Parks was correct when she said 'You must never be fearful of what you are doing when what you are doing is right'. Since the airing of my campus interview on BBC Newsnight, over 30 young people have been in contact that cannot go to university because of student finance barriers. There is a need and so I'm hopeful.

Last year was definitely a rollercoaster. I was shortlisted for a Liberty Human Rights Award 2014 and I remember attending the award ceremony and being overwhelmed by the amazing work people do in order to better society despite being faced with adversity. We were all overcomers. I have since received an award of recognition from the London Leadership and Peace Awards 2014 and I have also been nominated for a Sheila McKechnie Award. On 4 March 2015, Livia Firth presented me with the Young Woman of the Year Award from Women on the Move. It was an extremely proud moment as the amazing Annie Lennox graced us with her presence at the Queen Elizabeth Hall, Southbank. This award will allow me to push the campaign forth with the bonus of getting media training and being connected with other human rights campaigners.

Through this campaign I hope in the long term there will be a change of government policy offering young migrants with discretionary leave a student loan which they will then pay back after completing their studies. This financial assistance is needed but I understand that change won't come overnight and so the campaign to raise awareness continues. In the mean time I will study the Diceyan theory of parliamentary sovereignty and smile as I read another case where Lord Denning dissents.

For further information about the "Let Us Learn" campaign, please visit justforkidslaw.org/our-goals/let-us-learn or follow on Twitter @LetUs_Learn

"Last year was definitely a rollercoaster. I was shortlisted for a Liberty Human Rights Award 2014 and I remember attending the award ceremony and being overwhelmed by the amazing work people do in order to better society despite being faced with adversity. We were all overcomers."

A Year in the Sun

Malvika Jaganmohan

When asked to write this piece, I was advised to keep my references to long walks on the beach by sunset to a minimum (officially for reasons of irrelevance, but I suspect jealousy also played a part!). Fortunately, there have been a few academic benefits to spending the year studying at Sciences Po Paris's Middle East-Mediterranean campus in Menton, France besides the gorgeous weather, the abundance of pastries, the sea view from my apartment…

But I digress.

It's terribly easy as an LSE student – especially as an LSE Law student – to be sucked into the cycle of campus manager jobs, vacation scheme interviews and training contract deadlines, academic enjoyment of your subject lost somewhere in the void. LSE's graduate employability is very high for a reason, and I know that in a few years I will truly appreciate the careers support and the push to think about the future that this university has instilled in me. At the same time, as my second year drew to a close, I realised that I needed some time out of the "LSE complex" to re-learn how to enjoy my education again rather than looking at it as a means to an end.

Choosing to study the Middle East for a year was an indulgence. It was the opportunity to break out of my own discipline, an opportunity to study alongside students with invaluable lived experience, and an opportunity to develop my own opinions on volatile current events that up until this year I'd always shied away from for fear of not having the "appropriate" knowledge.

Sciences Po Paris's campus in Menton offered all this and more. Thrown right into the deep end, my A-Level French seemed a long way away when I was stammering my way through setting up a bank account, signing my lease and buying a phone contract. I'm one of the few students not studying Arabic – a year of study doesn't seem worthwhile in the long-run – which meant the frequent "habibtis" (darling), "khalas" (enough) and heartfelt "Yallahs" (let's go!), took some getting used to. The painstaking early phase of French immersion is coming to an end and I'm starting to stumble through conversations without getting myself tangled up in the slang or the constant – and frankly unnecessary – "verlan", or the inversion of letters within words ("merci" becomes "cimer").

One of my reasons for applying to Menton was specifically because I didn't feel like I had much exposure to inter-disciplinary discourse. Especially as a Law student, it can feel like you sometimes lose sight of the wood for all the trees, dragged into the minutiae of statutory detail and case references, without much awareness of "the bigger picture". So I leaped at the chance to study everything from the shifting boundaries in the Middle East, to the evolution of Turkish foreign policy, to the effects of rent on state-building in the Arab world. I'm taking courses in history, politics, international relations, political economy and languages, offering a breadth of choice that I didn't have access to at LSE.

Studying in Menton this year has offered me something special that I can take with me when I graduate next year. I decided to take a break from LSE to a large extent because living in London can be exhausting. However, this sleepy Riviera town has been challenging in so many other ways. I've been thrown right into the deep end in a field of regional study I know absolutely nothing about. I've had to play catch up, committing to extra research, extra reading, extra essays and just talking to students around me with a wealth of personal knowledge. I've bumbled along speaking a language I don't really know, managing to base an entire essay on "la commodification" of contemporary art – unfortunately, a word that doesn't exist in French. I've had to integrate into a community with a number of cultural quirks: the undisguised horror at the prospect of eating savoury food for breakfast; the failure to respect pedestrian crossings; the ordeal of the French "bise", awkwardly kissing every individual on both cheeks upon entering a room.

Menton dragged me from my LSE bubble and right out of my comfort zone. It's terrifying straying from what appears to be a clearly defined path: university, graduation, career. It's terrifying being thrown into a culture, a language, a community and a discipline that is completely alien to you. But being terrified was definitely worth it.

Pro Bono Matters – a new Postgraduate Group at LSE Law

Natasha Lewis, LLM Public International Law 2014/15

The LLM year is a life-changing experience but it is also fast-paced and frenetic. You arrive in London, get used to the tube map, catch the remnants of September sun, and start classes with around 280 other students from around the world. Many of our 2014/15 intake arrived at LSE Law eager to do pro bono work, having done so in our home countries. While as undergraduates we had volunteered in legal clinics, as postgraduate students with diverse specialisms we were looking for cutting-edge projects with a public interest and social justice focus. We were lucky to find a supportive Law faculty that had laid the foundations for Pro Bono Matters, LSE's postgraduate pro bono group. As Professor Emily Jackson said at our launch on 11 March, "pro bono really does matter" to LSE Law, with its strong tradition in human rights, public law and international law, bolstered by the involvement of many academics in pro bono work.

We had humble beginnings – over coffees and chats after class, we decided to talk to our professors about volunteering on projects. My friend Tania Marcello and I met Chris Thomas, Pro Bono Coordinator for postgraduate students, who together with Henrietta Zeffert, a PhD student, had drafted a constitution for a pro bono postgraduate group. The faculty were looking for interested students to work with academics on cases, research projects and submissions. We decided to create a group that would work on two projects (one domestic and one international) and to aim to make our initiative sustainable for future LLM/PhD intakes. We were lucky to have a committed group of volunteers, who met every fortnight to shape our vision.

It is impossible to name all of my fantastic, talented peers who have made Pro Bono Matters a reality. Instead, here's what they've achieved in just six months:

- Interviewed young people and prepared a submission to the UK Law Commission on proposed reforms on offences against the person, supervised by Dr Emmanuel Melissaris.
- Worked with Emeritus Professor Christine Chinkin on a report on the implementation of UN Security Council Resolution 1325 on women, peace and security, presented to a UN expert panel in April and discussed at a workshop with the new LSE Centre for Women, Peace and Security in May.
- Organised a well-attended launch event with LSE faculty, alumni, students and interested organisations to source future projects and more volunteers.

On a personal note, being part of the Pro Bono Matters story has been the highlight of my LLM experience. It has been about more than doing work that makes a difference. I have been fortunate to volunteer alongside my friends, and to get to know many inspiring academics who are engaged in meaningful work outside of teaching and research. I look forward to handing over our group to the next LLM intake, who I am certain will hit the ground running and make the group bigger and better.

If you would like to know more about Pro Bono Matters, please email us at law.probonomatters@lse.ac.uk

Access to Justice after the Legal Aid Cuts

Becky Steels

The cuts to legal aid under, predominantly, the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012 are all but a taboo subject. Indeed, you'd almost be forgiven for knowing very little about them at all. Compare, say, the NHS. Headlines blare almost weekly with tales of diabolical plans to cut funding or to privatise the NHS. And protests take place repeatedly against such measures by an engaged, and largely outraged, British public. Turning back to the law and to legal aid, it's a whole different picture. People don't care. And people don't care because of the hubris of man; the pride and delusion that "it won't affect me".

When I attended the panel discussion "Access to Justice after the Legal Aid Cuts. A Conversation with… Solange Valdez (Ealing Law Centre), Francis FitzGibbon QC (Doughty Street Chambers), and Rachel Marsh (LawWorks)" in mid-November 2014, this stance was laid out in all its ugly glory by a shrewd member of the audience. People, she said, take the Daily Mail view: lawyers are parasites for money; their prey are the dregs of society. With this at the back of our minds, why would we care about legal aid cuts?

This stance, though, is wrong. It is inherently flawed, both in content and in before premise. The British conception of the rule of law rests firmly on the equal treatment of all people before the law, from the Prime Minister to the man on the Clapham omnibus. It is no great claim, though, to state that people are not equal in life. Different opportunities and different means result in inequality. Magna Carta of 1215 was the starting point of civil liberties, and for basic rights like access to justice now to be restricted to only those for whom money is no object is indefensible. Public health, sometimes coupled with the right to life, is protected by the NHS in this country and rightly provokes a reaction in people when it is threatened. What is unclear is why it is more acceptable to devalue the right to fair trial. We should care about the legal aid cuts, and we should care precisely because they undermine the rights to which, as human beings, we are entitled.

Solange went to great lengths in her impassioned speech to emphasise the danger posed by the legal aid cuts. As an immigration solicitor, she detailed cases of passports being cancelled from 20 year old, British-born citizens simply because their parents were not British; passport renewals being refused; and applications for British passports for children with one British parent failing. These are not cases that revolve around the dregs of society. And these are not cases that would have been won, or even fought, without legal aid.

Immigration law does not necessarily pertain to all of us. The universality of law, though, means it permeates all aspects of life, and we cannot be immune to this. We cannot ignore it. Heading for the criminal Bar, the refrain comes back again and again: "Have you not, yet, become disillusioned with the whole system?" And the answer again and again resounds in my head: "No."

This is not because of a belief that the system will continue to work in the face of the legal aid cuts. It is very clear that it will not. Francis' framing of the issue as a "political fight", though, reflects the approach which we now need to take. Panellists were clear that we must not mirror the coy, accepting attitude of the Bar Council and Law Society; rather we must combat the negative image the media have created in the public psyche of lawyers and those whom they help. It is a recognition of the fundamental import of genuine equality before the law, and the provisions required from the government to support this, that will be necessary in returning the justice system in England and Wales to its proper position.

New Centre for Women, Peace and Security launched at LSE

On 10 February 2015, LSE hosted First Secretary of State William Hague and UNHCR Special Envoy Angelina Jolie Pitt to launch the UK's first academic Centre on Women, Peace and Security.

Professor Christine Chinkin, recently retired from LSE Law, is leading the Centre, which will provide an academic space for scholars, practitioners, activists, policy-makers and students to develop strategies to promote justice, human rights and participation for women in conflict-affected situations around the world. Through research, teaching and multi-sectoral engagement programmes, the Centre aims to promote gender equality and enhance women's economic, social and political participation and security.

Founded with the support of the Preventing Sexual Violence in Conflict Initiative, the Centre will promote and progress research and policy-relevant discussion on the four pillars of women, peace and security:

- promoting women's participation in decision-making and the resolution of conflict
- preventing sexual and gender-based violence
- integrating a gender perspective throughout peacekeeping and peacebuilding
- increasing accountability and ending impunity of perpetrators of sexual and gender-based violence

The Centre will play a leading role in developing the multi-sectoral approach required to further the aims of the women, peace and security agenda. It will:

- develop research and practice on issues relating to women, peace and security and sexual violence in conflict-affected settings
- bring together cutting edge scholars, activists and practitioners to advance knowledge and influence global and local policy-making
- build partnerships with those working on issues of women, peace and security – military personnel, UN agencies, regional and local bodies and civil society actors – to achieve positive change
- consolidate existing, and produce new academic and international knowledge on women, peace and security

The Centre will introduce the MSc in Women, Peace and Security and a concentrated programme for NGO workers, lawyers, military personnel, civil servants and diplomats – providing unique education for those whose work would benefit from a deeper understanding of the law and practice of women, peace and security.

In launching the Centre, Ms Jolie Pitt said, "I am excited at the thought of all the students in years to come who will study in this new Centre. There is no stable future for a world in which crimes committed against women go unpunished. We need the next generation of educated youth with inquisitive minds and fresh energy, who are willing not only to sit in the classroom but to go out into the field and the courtrooms and to make a decisive difference."

The Centre also received a message of support from US Secretary of State John Kerry and Secretary Hillary Rodham Clinton.

A podcast of the event can be found at bit.ly/LSELaunch

LLM Graduate Laila Hamzi Selected for Coveted ICJ Traineeship

LSE is delighted to announce that LSE graduate Laila Hamzi (LLM 2014) has been accepted to the University Traineeship Programme at the International Court of Justice (ICJ) in The Hague.

The nine-month traineeship programme is similar to a judicial clerkship and offers a rare opportunity to work at one of the world's most important legal institutions. Trainees work closely with the members of the Court on tasks such as drafting opinions, orders and other court documents, preparing case files and research on a variety of international legal issues.

LSE is one of a limited number of leading universities invited to submit candidates to the Court for consideration. LSE Law nominated Laila Hamzi in February to the ICJ. Following a highly competitive selection process, Laila was assigned to assist Judge Cançado Trindade (Brazil). She will start at the Court in September, joining other successful candidates from Yale University, Oxford University, New York University, Harvard Law School, Peking University, Columbia University and elsewhere.

Laila Hamzi graduated from the LLM at LSE in 2014 with a Distinction and the Lauterpacht/Higgins Award for the Best Overall Performance in Public International Law. Laila has worked as an intern in the Karadzic Defence team at the International Criminal Tribunal for the former Yugoslavia and at the Bingham Centre for the Rule of Law.

Applications will open in late 2015 to current students and recent LSE law graduates for the 2016 traineeship programme.

LSE Wins Jessup Cup 2015

Clàudia Baró Huelmo

On 12 November 2014, six LSE students from all corners of the world met in the Moot Court Room in LSE Law for the first time. United by a common goal, we worked tirelessly to overcome the challenges posed by the largest international law competition in the world: the Philip C. Jessup International Moot Court competition. From there on, six strangers became a team in the truest sense of the word and the busiest five months of our lives began.

The Jessup Competition is an advocacy competition with written and oral pleadings to address issues relating to public international law in the setting of the International Court of Justice. The 2015 problem covered issues as diverse as the right to self-determination, the propriety of counter-measures and the intricacies of treaty termination under the doctrine of fundamental change of circumstances. After exhausting day-long sessions, we finally managed to submit two 54-page memorials three minutes before the deadline. It was then time for the second stage of our training: pleading before a bench of judges. The weeks leading to the UK national rounds, training sessions increased exponentially and we ended up meeting from 8am to 11pm every single day to make sure we were ready to challenge every UK team. Our efforts were visible both in our progress as oral advocates but also in the gross neglect of coursework and social life. Furthermore, it was not uncommon to see the team sleeping in the library to save time or taking a nap on the floor of the Moot Court Room to gain some extra energy!

The UK national rounds took place in the majestic Gray's Inn in London. After two days of nerve-racking competition and after having won all our preliminary matches against UCL, University of Aberdeen, the University of Sussex and the Honourable Society of the Inner Temple, the LSE team advanced to the quarter-finals. Once more beating Inner Temple, we had half an hour to prepare for our semi-final against Durham University. The hard-fought moot was a very close match and some of us managed to scream and cry at the same time when we found out that the bench unanimously put forward LSE as the winners and that we now had a ticket to the international rounds in Washington.

The final against the University of Oxford still feels like a dream. Having already exceeded all expectations, we entered the Great Hall of Gray's Inn laughing, joking and smiling at everyone we came across. In our routine pre-match huddle, we decided just to have fun. In front of a panel of seven eminent judges, that's exactly what we did. The adrenaline and excitement of the experience was palpable and both our oralists put on an incredible performance. Two hours later, our Team Captain walked to the podium and received the UK Jessup Cup on behalf of LSE. Moreover, Amalie received the award for "Best Oralist in the Final Round" and Julian won the award for "Best Oralist in the Preliminary Rounds". There are no words to describe the happiness, the nervousness, the disbelief, the pride and exhilaration we experienced in that moment. We jokingly say that, at that moment, we became a "peoples" under international law.

On 4 April 2015, the LSE team flew to Washington DC to participate in the international rounds of the competition, where the best 120 teams in the world meet with the goal of becoming World Champions. The team put in a huge effort. In the group stages, we came up against Greece, Ethiopia, the eventual runners-up (Universidad Pontifícia Católica of Chile) and a semi-finalist (University of Western Australia). In true LSE fashion, the UK national champions battled tooth and claw, managing to persuade one of the three judges against Australia and losing to Chile only on the memorial scores. Unfortunately, LSE did not make the list of teams that progressed to the knock-out rounds. Nonetheless, the atmosphere of the competition and the opportunity to meet people from all over the world made the week we spent in Washington the experience of a lifetime. The fact that, despite our group stages, Julian still managed to place as the 9th best oralist in the entire competition also became an immense source of pride for the team.

There are several people without whom these "peoples" could not have made it so far. We would especially like to thank the guest judges who took the time and the interest to help us become better advocates. Thank you, Devika Hovell, Jan Kleinheisterkamp and Emmanuel Voyiakis. Furthermore, we would also like to thank Andrew Lang for bringing the team together and for his continuous support. Finally, the biggest thank you of all goes to George Kiladze, our coach. His tenacity, enthusiasm, hard work and encouragement drove us to excel in ways we never dreamed were possible.

Taylor Wessing Commercial Challenge

Team Beaver (Farah Rohaizat, Sin Nii Leong, Arnav Gupta)

Participating in the Taylor Wessing Commercial Challenge gave us the unique opportunity to immerse ourselves in the role of a city lawyer in a real business situation. It offered great insight into how a successful law firm works. We were proud to represent LSE, aptly naming ourselves “Team Beaver”. We emerged as the winning team out of a total of 30 teams from universities around London, and were awarded a week long vacation scheme with the firm over the Easter vacation. This will give us the invaluable experience that we are eagerly looking forward to.

The first part of the Challenge involved preparing a fictional written pitch as legal advisers for a hypothetical client’s acquisition. The scenario was based on an actual Taylor Wessing deal and we were required to consider the practical issues involved in the early stages of the transaction. The Challenge enabled us to cultivate a keen sense of commercial awareness, enhancing our ability to not only think in-depth about legal issues but also the surrounding business considerations. Following this, we were one of three teams that were selected to go through to the finals held at Taylor Wessing’s London office. Preparing for the final stage of the competition was a gruelling process but as law students we were used to many late caffeinated nights. We worked tirelessly, doing research, forming our pitches, practising and arguing over the fine print. Nevertheless, the rewards were well worth the effort.

The finals involved a whole day at the firm with presentations, a private tour of the firm and networking sessions. One of the highlights of the day was our particularly memorable encounter with the Managing Partner of the firm in the lift. His encouraging words to keep “fighting!” further fuelled our motivation to win. The day was challenging but stimulating. When it was our turn to present the pitch, the anticipation was tangible. Our weeks of preparation culminated into that single moment. We presented in front of a panel of judges that comprised of partners and associates of the firm. Our presentation was followed by a nerve-wrecking Q&A session, during which, we had to keep our hypothetical client’s best interests in mind.

The Challenge allowed us to grow both as a team and as individuals, constantly challenging and pushing us to our limits. We relished in the adrenaline rush that the competition gave us. It boosted our confidence and motivation to pursue a career in commercial law. The experience highlighted our individual strengths and weaknesses and collectively we worked towards bringing the best out of each other.

In addition, being able to gain a better understanding of a business in the legal sector allowed us to assimilate our legal knowledge with practical skills. The qualities we developed during the challenge will stay with us throughout our working lives. As a team, we believe that this is a big step towards advancing our future legal careers.

LLB and LLM Prizes

LLB Prizes 2014/15
Intermediate

Charltons Prize
Best overall performance
Philip Wang Yong-An Apfel

Routledge Law Prize
Best overall performance
Philip Wang Yong-An Apfel

John Griffith Prize
Public Law
Haozhou Qiu

Hughes Parry Prize
Contract Law/Law of Obligations
Nicola Louise Willson

Hogan Lovells Prize
Obligations and Property I
Philip Wang Yong-An Apfel

Dechert Prize
Property I
Eden Howard

Dechert Prize
Introduction to the Legal System
Mohammed Ibrahim Chaudhary

Nicola Lacey Prize
Criminal Law
Abigail Maria True

Intermediate and Part II

Sweet and Maxwell Prize
Best performance
Philippe Yves Kuhn

Part I

Herbert Smith Freehills Prize
Best performance Part I
Yixian Zhao

Slaughter and May Prize
Best performance in Part I
Carolina Bazarova

Morris Finer Memorial Prize
Family Law
Zoe Jayne Carter
Mali Williams

Part II

Slaughter and May Prize
Best performance in Part II
Philippe Yves Kuhn

Lecturer's Prize
Jurisprudence
Laura Ann Elliott

LSE Law Prize
Dissertation - best overall performance
Vanessa Jennifer Marton
Khawaja Muhammad Akbar

Part I and Part II

Hogan Lovells Prize in Business Associations Prize
Christine Paula Skrbic

Blackstone Chambers Prize
Law and Institutions of EU
Adele Hayer

Clifford Chance Prize (funded by LSE Law)
Property II
Yixian Zhao

Linklaters LLP Prize
Commercial Contracts
Andrea Man-Ching Kan

Lauterpacht/Higgins Prize
Public International Law
Philippe Yves Kuhn

Old Square Chambers Prize
Labour Law
Philippe Yves Kuhn

Blackstone Chambers Prize
Human Rights
Benjamin Adam Helfand
Claudia Elisabeth Hyde

Slaughter and May Prize
Best overall degree performance (Part I and II combined)
Philippe Yves Kuhn

Taxation Prize
Arisa Manawapat

MSc Law and Accounting 2014 Prize
Intermediate

Herbert Smith Freehills Prize
Brenda Karnadi

LLM Prizes 2013/14

Blackstone Chambers Prize: Commercial Law
Hanne Gundersrud

Blackstone Chambers Prize: Public International Law
Tom P Cornell
Maya Linstrum-Newman

Goldstone Prize for Criminology
Li S Goh

Lauterpacht/Higgins Prize: Public International Law
Laila Hamzi

LSE Law Prize: Human Rights
Stephanie David

Lawyers Alumni Prize: Best overall mark
Alice Lepeuple

Otto Kahn Freund Prize: European Law
Anne Wijkman

Pump Court Prize: Taxation
Adrian Wardzynski

Stanley De Smith Prize: Public Law
Alice Lepeuple

Wolf Theiss Prize: Corporate and Securities Law
In Hoi Chan

AVAILABLE FOR HIRE

Moot Court Room

LSE Law's Moot Court Room is a flexible space located in the New Academic Building. The room holds up to 35 people and is most commonly used for mooting by LSE Law students. It can also be used for meetings, training sessions, small-scale events and seminars. The room is fully equipped with AV facilities including an in-ceiling camera to record proceedings.

For further information in hiring the Moot Court Room at competitive rates, please email event.services@lse.ac.uk or call 020 7955 7087.

PhD PROFILES

On Secret Justice

Bernard Keenan

My PhD research is concerned with the growing use of "closed material" in UK courts. Closed material is a form of information that can be shown to the court as evidence without being disclosed either to the public or, crucially, to the other side in the case. Instead, a Special Advocate is usually appointed to view the secret material and, where possible, make representations on behalf of the excluded party. The Special Advocate has to do this without taking instructions about the secret information.

I initially became interested in secretive courts during my LLM at LSE in 2007-08, in Professor Conor Gearty's course on Terrorism and the Rule of Law. After my LLM I practiced immigration and asylum law in London for five years, and gained a bit of experience in the material challenges involved when fighting a case without knowing the complete picture. As a result, I'm interested in the practical problems, techniques, special knowledge practices and physical materials used under the conditions of secret evidence hearings.

Closed material is almost always classified information produced by the intelligence services. First legislated for in 1997, they were introduced to deal with expulsion of non-citizens from the UK on grounds of national security, following a 1996 decision from the European Court of Human Rights that said there had to be some sort of legal process in place to judicially review executive decisions, thus protecting human rights while protecting state secrets. In subsequent years the form of closed material has been adopted in a number of forums and situations where national security is invoked. Since the Justice and Security Act 2013 it's been possible to hold closed judicial reviews and to assess claims for damages in closed session. The damages claims concerned have arisen from alleged UK involvement in overseas torture and rendition.

The availability of Closed Material Procedures has enabled new forms of security practices to emerge, all under legal oversight. Indefinite detention was infamously introduced after 11 September 2001. This gave way to Control Orders (which have since been rebranded as T-PIMs). Recently we have seen an increase in the use of exclusionary immigration powers, and the exercise of executive power to remove British citizenship from naturalised persons. The new Counter Terrorism Act 2015 will enable citizens and non-citizens alike to be subject to temporary exclusion from the UK for up to two years, with their return to the UK managed by the police and security services. Temporary exclusion decisions require the Secretary of State to have "reasonable" suspicion of involvement in "terrorism-related" activities – a low hurdle for a broad test. Challenging the reasonableness of her decision will be hard, or rather impossible, when her secret evidence is protected from cross-examination.

Closed practices do not only impact on suspected terrorists and their ability to challenge security measures. We, constituted broadly as the public, have become increasingly dependent on instantaneous communication systems transmitting packets of information over the internet. If Edward Snowden's leaks were correct about the technical capacity of GCHQ – and there is nothing to suggest otherwise – then the government has the potential to intercept and examine any communication that may potentially concern national security, economic wellbeing, or serious crime. Complaints about unlawful surveillance are dealt with by the Investigatory Powers Tribunal (IPT), another court that normally operates almost entirely in secret. The IPT recently ruled that it is satisfied that the government's almost entirely secret arrangements for overseeing these enormous powers are lawful and that they effectively protect us against mass interception of private information. More precisely, and paradoxically, the IPT found that arrangements were not lawful because not enough information about them was in the public domain, but because the IPT's judgment revealed a bit more about the secret policies in place, the fact of the judgment itself made the regime lawful. This is an extraordinary idea: an unlawful situation was rendered lawful by the very challenge against its illegality. But at least it keeps me interested.

Constituent power and social justice in postcolonial India: my intellectual journey so far

Moiz Tundawala

I am a second year PhD student in LSE Law, keenly interested in constitutional theory, postcolonial studies, Indian politics and government, and the theory of human rights. My research project, which is being supervised by Professor Martin Loughlin and Professor Thomas Poole, seeks to map the career of constituent power in postcolonial India by engaging with the different forms in which it has been invoked for the provision or denial of social justice. It has changed considerably in the past one and a half years of my stay at LSE. Here is a brief account of my intellectual journey so far.

I began with the ambition of bringing out the uniqueness in India's postcolonial engagement with the rule of law by analysing its application in the jurisprudence of the Supreme Court on equality, civil liberties and social rights. For someone working on the postcolonial dimension of constitutional adjudication, it was easy to get attracted by the Carl Schmitt inspired norm/exception dialectic, with the metropolitan constitutional system taken as the norm and the colonial as the exception. By extending this framework to India's postcolonial context, I hoped to show marked continuities with the colonial past in so far as both acknowledged the exceptional in equality and civil liberties cases, and emphasised upon its distinctiveness as a postcolonial democracy in resorting to arbitrary exceptions while upholding social entitlements for the sake of popular welfare. But soon I realised that norm and exception were not strictly segregable or mutually exclusive categories. A closer study of constitutional practice suggested that the norm was not normal enough, and similarly, the exception was not exceptional enough. So instead of treating the two as binary opposites, it was better for me to think of them as extreme ends on a spectrum encompassing a plethora of competing values and goals.

Following from this insight, I started developing an alternative theoretical framework which had the constitutional concept of political reason at its centre, along with two conceptions of public reason and reason of state as rival categories on the norm exception spectrum. At this stage, I also broadened the scope of my project to cover the judicial discourse on constitutional amendments and the basic structure doctrine, since it had a close bearing on the way liberty and equality cases were decided. What attracted me most to reason was that it did not have an oppositional other, in the way that

norm had the exception. Its competing conceptions were capacious enough to cover law in its three variants, differently understood as custom, right and command, as also any purposive deviation or violation therefrom. Added to this, reason was more familiar to India's constitutional tradition than norm and exception. In fact, it could be said that the Court's jurisprudence on the three areas I was interested in essentially revolved around reason and its competing conceptions. Therefore it was difficult to think of any other analytical category which could be more pivotal for my project.

All this while I was committed to an integrated approach focusing on liberty, equality and constitutional amendments simultaneously. But while researching for a draft chapter, it became clear to me that the project might get unwieldy and therefore it was necessary to narrow down to something more manageable. So instead of studying the entire corpus of judicial decisions on the three areas, I decided to focus only on certain constitutionally significant episodes and weave my story around them. This took me to the distinction between ordinary and extraordinary constitutional moments, usually equated with the exercise of constituted power and constituent power respectively. Ever since, I have been able to figure out that the core of my research actually pertains to the concept of constituent power in postcolonial India. Its starting point is the paradoxical moment of founding, characterised by the simultaneous acceptance of a radical transformative agenda of a social revolution under democratic constitutionalism on the one hand, and a colonial regime of legislative and administrative governmentality on the other. My project will try to make theoretical sense of this paradox through the concept of constituent power, and explore the ways in which it has been dealt with by constituted authorities in the aftermath of the Constitution coming into force on 26 January 1950.

Finally, I have forced myself to limit the scope of this research to issues of social justice only. It was difficult to give up on the civil and political dimension, but if I had to choose between the two, there was greater potential for making an original contribution to the scholarship on postcolonial constitutional theory by looking at social justice through the prism of constituent power. The literature on constituent power throws up pertinent questions relating to constitutional guardianship. However, I feel that they have not yet been sufficiently extended to the social question, which is predominantly regarded in modern political thought as a depoliticised domain of necessity, or lately as a human rights concern.

In a postcolonial constitutional system which derived legitimacy as a response to colonial exploitation, the social question could hardly remain non-political. Nor could it be easily translated into the language of human rights. Most social entitlements in the Constitution are in fact couched as legally justiciable or injusticiable responsibilities of government, which were deemed necessary for the survival of political democracy in the country. Even those which were framed as rights do not share the normative premises of idealised theories of justice. They may better be understood as constitutional attempts at removing manifest injustices in which the vocabulary of rights at best serves an instrumental purpose. Therefore I have realised that it would perhaps be more productive to approach the politicisation of the social question through the concept of constituent power. In the next two and a half years, I shall try to look closely at the paradox of founding, and the way it plays out in fundamental rights overriding constitutionalism of Government in Parliament, basic structure constitutionalism of the Supreme Court, and societal constitutionalism of social and political movements in postcolonial India.

Tackling Your Topic and Yourself

Velimir Zivkovic

Under the supervision of Professor Jan Kleinheisterkamp and Mr Chris Thomas, Velimir is currently pursuing a PhD in Law at the London School of Economics and Political Science. His PhD research explores the possibilities of reforming international investment law through modified deliberative democracy methods, soft law instrument and academic endeavours.

I am a second year PhD candidate at LSE Law researching in the area of international investment law. I finished my undergraduate study of law and my first LLM degree at my home university of Belgrade. After that came a Magister Juris degree at the University of Oxford and after further (often parallel) spells in practice, consultancy and research I started my PhD at LSE in October 2013.

This is to say that I had experienced quite a lot before coming here, yet I was a hard-nosed positivist in the Germanic tradition without being really aware of it. My original PhD topic proposal seems to me now so desperately naïve and one-sided. I wanted to explore how the jurisprudence of international investment arbitration tribunals could be codified and then used in the form of a soft-law codification to iron out inconsistent interpretations of similar provisions in arbitral awards. I was building on my Oxford dissertation and was full of confidence that it could be done the way I originally envisioned it.

The fantastic thing about LSE was how it shattered the many preconceptions I had. *"Rerum cognoscere causas"*, was not just a motto in my case. It became a goal. The questions shifted from how to why? Should we actually codify the existing practice? Or is progressive codification a better choice? And if it is, what principles should underlie it? My research shifted into legitimacy tensions, arbitral system-building and rethinking of the function of the international investment regime. The role of soft law qualitatively changed from the one of ensuring consistency to the one of legitimacy-enhancing reform. I forayed into deliberative democracy and into the works of Jürgen Habermas, something that had hardly occurred to me before. I am grateful to the unique LSE atmosphere of challenging everything. Those who expect to now know exactly where my topic is heading are going to be disappointed at this point. A second year PhD student who claims to know this is inadvertently deceiving not just the listener, but him- or herself.

There are many other things I could talk about my first year and a half at LSE. The opportunities to coach the LSE Vis moot team and to teach undergraduates are high on that list. The experience gathered in both cases is truly invaluable. So too is the principle of treating PhD candidates as the equals of academic staff. Many productive conversations I have had started as chats in the corridors of the New Academic Building.

A PhD is not for everyone, that much is clear. The opportunity to read and reflect for weeks and months can make you unsure, confounded and scared of ever trying to voice something on your own. The interdisciplinary perspectives so often espoused by LSE do not make this task any easier. Yet, I am glad to be here and tackle these challenges one by one, paragraph by paragraph, chapter by chapter.

The Lake Home

Henrietta Zeffert

As lawyers we rarely talk about home. We might approach home in roundabout ways – in housing regulation, household debt and the "home state" in refugee law. But we rarely, if ever, notice how law operates on our homes, even inside our homes, assembling and disassembling the conditions, foundations and materials of our homes, literal and figurative.

This is surprising when home is at the centre of everyday life. Home is a site for daily practices as well as major life events. It is the navel of our journeys to and fro, and an arbiter of the transitions we make during our life course. Home is also one of the most idealised places of human existence. The image of "home as haven" conjures a place liberated from fear, emotionally noble and natural, a metaphor for comfort, solidarity and protection. Yet many homes are far from this ideal. Home is replete with conflict, anxiety and precariousness.

My doctorate explores the concept of home in law. How does law engage with home? What are the legal conditions that make possible different experiences of home? How does law make itself present in the space of home, where we might least expect to find it? I take up three "home problems", set in different parts of the world, and examine the interconnections between law and home in each. I argue that while these interconnections are not always intuitive or obvious, they illustrate that home is at least in part shaped by law. This seems an important enquiry because the consequences of the links between law and home can be devastating.

Let me introduce one of those home problems: the lake home at Boeung Kak Lake, Phnom Penh, Cambodia. For decades, fisher people at Boeung Kak Lake have lived in stilt homes set in the shallows. The stilts steady homes through monsoon floods and the fury of summer storms. In the dry season, the stilts shelter cows and chickens, ducks and dogs, and the many-headed

naga snake. Khmer mythology tells how the naga builds its nest among the stilts, bringing good luck and protection against misfortune to the family dwelling above. The stilt homes are built by hand and often house many generations under one roof. There is a single room for living, sleeping, eating, making and playing. The ground below – or a waiting canoe – is reached by a ladder poking up through a small gap in the floorboards.

Boeung Kak Lake is the largest of Phnom Penh's seven lakes and a natural asset that has historically ensured the capital's dominance as a gateway to South East Asia. The lake is also a vital floodplain, insulating the city from annual tides, and a retreat for city-dwellers from Cambodia's oppressive sticky seasons. However, a land grab that began almost ten years ago has transformed the lake. Now fenced, dredged and filled in with sand, the lake and surrounding land have been leased by the Cambodian government to a foreign developer with plans to build a luxury satellite city. Most of the stilt homes have been destroyed. Around 3,500 residents have been evicted from their homes and relocated to housing sites on the edge of the city in the largest forced movement of people since the civil war.

In the backdrop to the land grab at Boeung Kak Lake, another story unfolds. A World Bank land project operated at the lake between 2002 and 2008. The project promised to improve security of tenure for local people and to develop land and property markets. The project had various components, including systematic land titling, developing land-related policies and regulatory instruments, and other capacity building initiatives to manage the new land regime. Bank staff trained and assisted local officials to carry out these tasks. To facilitate the project, and meet the Bank's funding conditions, the national government enacted a new land law enshrining, for the first time in the Cambodia's history, individual property rights, as well as rules enabling foreign investment in land. The new regime completely replaced Cambodia's existing land tenure system and extinguished almost all legal and customary rights in land and property that existed prior to 1979, the beginning of the Khmer Rouge era.

The project ended abruptly in 2008. No land titles were ever issued. Residents were denied the opportunity to test their title claims. Local officials charged with surveying the land as part of the project had determined that the land was unused and unowned. This was despite local reality and contrary to customary land and property norms. The lake and its surrounding villages automatically became state land, rendering residents illegal squatters in their own homes. The state was then free to dispose of the land – which it did do, leasing the lake to the developer, sealing a deal that had been privately discussed for years.

Scholars talk about a "spike" in large-scale land acquisitions in the decade following the oil, food and finance crises of 2006 – 2008. There has been a flurry of rule-making activity since then among states, international institutions, multilateral groups and non-governmental organisations to address the issue. The rules, charters and declarations that have been developed focus on facilitating investment in land and reducing investor risk, offering slim protection to people living in areas targeted for acquisition. And yet the effect for local landholders can be dramatic. At Boeung Kak Lake, forced evictions began in 2009. Residents were relocated but the Bank's resettlement policy, which offered some safeguards, was not implemented. Local activists and housing rights organisations have challenged the evictions in state courts without success. United Nations mandate holders have criticised the government's failure to meet human rights standards.

Cambodia remains fragile following decades of civil war. The country is sustained by international aid, riddled with corruption and rapidly shrinking from the pillage of its northern forests. At Boeung Kak Lake, a development project which promised to increase tenure security left local people less secure. The merits of land titling and the creation of markets for property rights where macroeconomic conditions are not adequate are indeed questionable. Small landholders risk being priced out or entering distress sales in the face of a debt, or being expelled from their land when the land is used as collateral for repayment of a loan, or where there are gaps between customary rights and formal rights guaranteed through titling, as at Boeung Kak Lake. There is also the perhaps deeper problem of legalisation. What is the effect of legalising the boundaries of villages and the existence of homes through a formal property regime, a regime which includes some and excludes others with neat lines drawn on maps and registered records of title, and where power asymmetries cut across these transactions, troubling the ability to resist?

The picture emerging from the story of the lake home is of a confluence of laws and legal processes, operating at all levels and originating from multiple locations, meeting at the site of home and issuing out again from home, perhaps in new and different forms. From local human rights activism and a national land law regime, to the law-making of international institutions such as the World Bank and transnational legal processes around land grabbing, law travels across these jurisdictional boundaries but consistently engages with home. On seeing this, it might become possible to imagine using home as a starting point for discussing new and different forms of law and legality, which don't necessarily map onto a state-framed interpretation of law or the limits of a particular legal regime. This in turn might help with strategies to address challenges and risks to do with home that exist today on a global scale, such as land grabbing, and which directly or indirectly affect an increasing number of people.

PhD Completions 2013/14

LSE Law students awarded with their PhD in the academic session 2013/14

Helen Coverdale
"Punishing with care: treating offenders as equal persons in criminal punishment"
Supervisors: **Professor Nicola Lacey**, **Dr Peter Ramsay** and **Professor Anne Phillips**

Johanna Jacques
"From Nomus to Hegung: war captivity and international order"
Supervisors: **Professor Tim Murphy** and **Professor Alain Pottage**

Nicolas Lamp
"Lawmaking in the Multilateral Trading System"
Supervisors: **Dr Andrew Lang** and **Professor Alain Pottage**

Charles Majinge
"The United Nations, The African Union and the rule of law in Southern Sudan"
Supervisors: **Dr Chaloka Beyani** and **Professor Christine Chinkin**

Vladimir Meerovitch
"Investor Protection and equity markets: an evaluation of private enforcement of related party transactions in Russia"
Supervisors: **Professor David Kershaw** and **Dr Carsten Gerner-Beuerle**

Karla O'Regan
"Beyond Illusion: A juridical genealogy of consent in criminal and medical law"
Supervisor: **Professor Susan Marks**

Nicolas Perrone
"The International Investment Regime and Foreign Investors' Rights: Another View of a Popular Story"
Supervisors: **Dr Andrew Lang** and **Dr Ken Shadlen**

Yaniv Roznai
"Unconstitutional constitutional amendments: a study of the nature and limits of constitutional amendment powers"
Supervisors: **Professor Martin Loughlin** and **Dr Thomas Poole**

Amarjit Singh
"Compliance requirements under International Law: the illustration of human rights compliance in international projects"
Supervisor: **Professor Christine Chinkin**

EVENTS

Leaving the EU?

Niamh Moloney

LSE Law's highly successful 2014-2015 Public Lecture Series continued on 17 February 2015 with a Public Lecture on one of the questions of the hour: "Leaving the EU?" Chaired by Professor Niamh Moloney, the event saw Professor Damian Chalmers, Dr Jan Komarek, Dr Jo Murkens and Emeritus Professor Carol Harlow – all of LSE Law – debate the timely and contested question of "Brexit." A thronged Hong Kong Theatre heard the panellists debate the many issues associated with the UK deciding to leave the EU and engaged in a very lively Q & A session with panel members.

Opening the discussion, Professor Chalmers suggested that the best answer to the question of whether the UK should leave the EU was "don't know." He vividly outlined the many benefits of EU membership (including the fact that we are "alive today" (!) – a reference to the EU-derived rules which protect pregnant women against discrimination) but warned that the EU had weak democratic authority. Cautioning against predictions that leaving the EU and/or engaging in other forms of association with the EU would strengthen democratic credibility, he called for further consideration of the reforms which might make the EU fit for purpose (and suggested that the longer a "don't know" position obtained, the easier it would be for the UK to bargain with the EU). Professor Chalmers called, for example, for closer consideration to be given to the rights of the immobile (and not just of the mobile, as is traditional in EU law) and for discussion on the relationship between transnational and national citizenship.

Dr Jan Komarek made a strong case for the UK staying in the EU from the EU perspective and examined what made the "EU perspective" on this question a different one to perspectives shaped by national interests. He argued that the EU provides an important framework for mediating difference and for discussing "big issues." The establishment and operation of this framework was an achievement, and one which supports genuine engagement beyond national interests. But this framework was not that stable and, together with its achievements, could be undermined by Brexit. While Dr Komarek conceded that his argument was an idealistic one, he argued that it was nonetheless an important one given the many achievements of the EU, including the emergence of the Central and Eastern European states as independent Member States of the EU. He concluded by warning that a decision to leave the EU would be a decision to say "no" to the EU's achievements and to its governing framework.

Dr Jo Murkens argued forcefully in favour of the UK remaining within the EU from a political perspective, highlighting that the EU was a political project (concerned with, for example, peace and prosperity) as well as a free trade area, and warning that the UK tended to regard the EU only in terms of economic association despite the importance of the EU beyond the economic sphere. He queried why the UK was absent on the world political stage and, in particular, indifferent to the EU's role in international relations; why did the UK not assist the EU in developing a collective position on matters of international importance? Dr Murkens also suggested that major legislation derived from the EU and of social importance, including with respect to the environment, workers' rights, and data protection, would be renegotiated as part of any disassociation from the EU and queried why the UK sought to obstruct such important rules. He also underlined the potential impact of a Brexit referendum on the constituent parts of the UK, and warned of the dangers of a break-

Leaving the EU? continued

up of the UK. He concluded with an unforgettable "Brexit Rap", which brought roars of approval from the audience.

The panel discussion concluded with a fascinating account by Professor Carol Harlow of the legalities of a referendum on EU membership and of a subsequent UK exit from the EU. With respect to the operation of any such referendum, for example, she noted the growing resort in the UK to referenda as means for delivering constitutional change, but reminded the audience that a referendum is advisory and not binding. She explained that a referendum is closely based on statute, being based on a particular statute which contains the terms of reference for the referendum and its procedures; a referendum is accordingly a question for the government of the day and for Parliament. Professor Harlow drew the audience's attention to the 2000 Act which set the ground rules for referenda and established the Electoral Commission which supervises referenda. With reference to the referendum on EU membership promised by Prime Minister David Cameron, she explained the legal background (and noted the likelihood that any such referendum would be based on existing parliamentary constituencies and suffrage) and the role of the Electoral Commission in reviewing the wording of the question to be asked of the electorate. She concluded by warning that a referendum on EU membership could be very destabilising, including with respect to the political consequences for Scotland and Northern Ireland. A lively Q & A followed during which panellists and audience members debated this most timely of topics.

Leaving the EU? can be viewed at bit.ly/LeavingTheEU

EVENTS

Human Shield by Professor Judith Butler

Tor Krever is a PhD Candidate in LSE Law and Assistant Editor of the London Review of International Law.

On 4 February, Judith Butler delivered the inaugural London Review of International Law annual lecture, titled "Human Shield". The London Review, an international law journal now in its third year of publication, places an editorial emphasis on theoretical, historical and socio-legal scholarship in the international legal field. The lecture was supported by LSE Law and Oxford University Press.

Judith Butler is Maxine Elliot Professor in the Department of Comparative Literature and the Program of Critical Theory at the University of California, Berkeley. Her work is marked by incredible breadth, from *Gender Trouble: Feminism and the Subversion of Identity* (1990), a canonical text of queer theory, to more recent interventions such as *Frames of War: When is Life Grievable?* (2009) and *Parting Ways: Jewishness and the Critique of Zionism* (2012).

In her lecture at LSE, Butler turned her critical gaze on the issue of human shields. Under international law, the use of human shields is a war crime, one that involves using the presence of civilians and other protected persons so as to render certain areas or military forces immune from attack. Yet the very deployment of civilians as human shields presumes that an opposing force will not deliberately bomb those civilians because that too is a war crime.

There is, then, Butler explained, a wager played out on the battlefield. One group can only destroy another by committing a war crime in the course of that destruction. The other group, in turn, can only ward off attack by presenting its civilian population as a target that either invites the assaulting party to commit a war crime by realising its military objective, or offers a disincentive for that objective. There is at play a tactical wager: who will commit a war crime first? Who will commit it in such a way as for it to be condemned as such? Who will be positioned as victim and who as perpetrator?

It matters, on Butler's approach, whether the human shield in question is understood as voluntary or involuntary. Once a belligerent compels civilians to act involuntarily as shields, Butler argued, those protected persons become part of the field of military action and lose their immunity. Their bodies can be now be understood as weapons deployed against the assaulting force, which can now argue justification in killing them. In other words, the claim that a population was involuntarily positioned to shield a military target turns that population into a weapon of war: a "shield becomes reconceptualised as a weapon for the purposes of waging war".

We are left, Butler observed, with a paradox. "An assaulting army can designate a population as an involuntary human shield and the involuntary character of that very designation effectively produces them as a human shield in a public discourse that comes to accept the allegation, even when they've neither been positioned that way by their own government nor positioned themselves." Using the example of Palestine, Butler showed how the civilian population of Gaza is regularly figured as involuntary human shields by the Israeli government, an attribution of status that works as part of a broader Israeli war strategy: "the discursive allegation of the status of human shield to a specific civilian population", Butler argued, "operates precisely to rationalise the destruction of that population – the population becomes eligible for attack and loses its immunity".

This discursive interpolation, Butler went on to suggest, is not limited to the military battlefield – it is found not only in Gaza, but also in Ferguson, Missouri and the various urban centres of the United States in which black people are killed by an increasingly militarised police force. A black man leaves a store unarmed and is perceived by the police who gun him down as a threat. Another repeatedly states he cannot breathe and the chokehold is tightened. He too dies because he is perceived as a threat. It does not matter that these men are unarmed; the threat they pose is not one that comes from carrying weapons. The "threat they embody – the threat that is their body – justifies the violent action against them".

How is it that black men are perceived as threats when unarmed and even physically subdued? These individuals, Butler suggested, are already established as civilians "worth killing" – civilians who are "always almost killing, about to kill" and who "if let free will go on to kill". Here, then, is a racial phantasm, the body perceived so that it is figured – as in Palestine – as an instrument of war. It is merely a defensive manoeuvre on the part of the police to harm, subdue and eliminate that body. The murdered black man is not a civilian, but rather a threat to civilian order.

Tracing the arc from Palestine to Ferguson, Butler observed that "there can only be a war crime in Gaza if there is an accepted civilian community and there can only be unjustified police homicide if the person who is killed is understood as an innocent civilian. But if both of those populations are now recast as security risks or threats, or their bodies are understood as weaponised from the start, the sphere of civic protection is displaced by the protocols of war." The risk, perhaps already realised, is that when we see video of children slaughtered on a Gaza beach, we in fact see enemy combatants and their weaponry destroyed. After all, if one can erase the concept of a civilian population, one will always have a ready justification for murder.

The video and podcast of Judith Butler's lecture is available at bit.ly/LSEHumanShield

You can find out more about the London Review of International Law at http://lril.oxfordjournals.org

WE ARE THE GUERRILLAS

WE ARE THE GUERRILLAS

We the LSE guerrillas take our stand against the lack of creativity and imagination in university teaching today. Why must class be scheduled in the way it is? How are lectures to be treated as fresh and lively if they take place at the same time and in the same place on a regular basis, and deal only with topics that have been anticipated, set out in advance and generally drained of life? What is this about disciplines, as though the world were segmented into silos – marked LAW, ECONOMICS, SOCIOLOGY and so on – and not the messy confusion of rival ideas that it is in reality? Why do some humans claim a greater right to teach than others based simply on the arbitrary title PROFESSOR – good at school and afraid to leave it for real life, all that they now bring to others is prejudice amplified by wider reading.

Agreed at our inaugural meeting two years ago, the Guerrilla Manifesto (i) deplores the concept of the pre-ordained in teaching; (ii) demands that all "teaching" engagements be SURPRISE INTERACTIONS WITH LEARNING; (iii) calls for teaching that is SPONTANEOUS, UNEXPECTED, MYSTERIOUS and therefore MEMORABLE; and (iv) recognises as teaching only that work in which KNOWLEDGE IS CO-PRODUCED BY ALL THAT ARE PRESENT: truth is no longer the preserve of the priest, the learned or the ostensibly "qualified" – humanity is our qualification, voice our common means of communication.

Our first action after issuing our Manifesto was to identify a useful idiot, a conduit through which to channel our ideas. We settled on CONOR GEARTY (under whose name we write this piece) for various reasons: he had just started a new Institute at LSE and was therefore more vulnerable than most, having something to prove, a rationale for his Institute's existence that he needed to demonstrate; his presence on Twitter and his access to the levers of power within LSE communications, allied to his perceived status within the organisation ("a full professor" – what a pompous comedy!) made him someone through whom we could work; and by allowing him to believe the Guerrillas was his idea (easily done) we have secured his commitment to something that is in truth way beyond him.

Our first strike was in the crypt of Westminster Cathedral: the first thirty LSE workers (students? professors? staff? – we recognise no such distinctions!) in a flash queue in the New Academic Building were guided to a grubby street in Westminster when at a preordained time they entered a dark and dank passage that lead beneath the Cathedral to a Holy Place where, surrounded by the tombs of cardinals, they debated the MEANING OF HELL, in the company of the School chaplain Jim Walters, a sociologist of cults Eileen Barker and an anthropologist with a specialism in humanism Matthew Engelke.

Next up was Highgate Cemetery. We took possession of it one Summer evening when it was ostensibly "closed" (albeit not to the guerrillas!) and after our LSE people had wandered this mysterious place of death we summoned them by bell to the graves of Karl Marx and Herbert Spencer, frowning at each other across a gravelly path, one a great revolutionary, the other a cheerleader for social Darwinism. Lea Ypi and Tony Giddens debated their merits, both school people immune to status however high they rise and natural sympathisers therefore with the Guerrilla agenda.

Our most ambitious action was our last. Just a few weeks ago we took possession of LSE Director Craig Calhoun's apartment (magnificent; opulently overlooking the Thames) for a debate about wealth and higher education. Calhoun himself was not in though his partner was – her tweets from the upstairs study alerted the Director and on arriving home at 9pm he found us still in deep debate – Nick Barr, Tim Leunig – both faculty workers – were joined by the Student Union's Nona Buckley-Irvine, and a group of LSE people brave enough to have taken a ticket to an unknown destination one miserable February evening.

Brothers, sisters, trans-siblings: this is just the beginning! As this last action shows, we are growing in confidence, drawing nearer and nearer to the full levers of power. In education what is power? Not knowledge for we deny there is such a thing, but rather the networks of influence and opportunity that the ostensible search for knowledge at the right place brings. The right place is LSE, top ranking, international, hugely influential. If we can realise our Manifesto here we can achieve anything, anywhere. And even if we do not what does our failure leave: memories of unexpected discussions for those courageous enough to have sought them out; debate about topics on which we feel strongly but of which feelings we knew nothing before we had the chance to explore them. If this is failure then we devotedly hope that more lectures and classes should fail more often.
Death to routine!

Professor Conor Gearty – under whose name this article appears – is Director of LSE's Institute of Public Affairs and Professor of Human Rights Law at LSE. He has worked long and hard for these titles.

Greece: The Future of Europe?

Manolis Melissaris

On 25 January 2015, SYRIZA (Synaspismós tis Rizospastikís Aristerás – Coalition of the Radical Left) won the snap general election in Greece and subsequently formed government in coalition with the right-wing party of the Independent Greeks. The SYRIZA victory was of great significance for a number of reasons. First of all, it is the first time that the Left forms government in Greece and, to this day, it remains the only left-wing government in Europe. Secondly, SYRIZA's main manifesto pledge was to end the politics of austerity, which had been practiced in Greece since 2010 when the country was excluded from the financial markets because of the enormity of its debt and subsequently resorted to being bailed out by the so-called Troika, which comprised of the European Union, the International Monetary Fund and the European Central Bank. In return for the bailouts, successive Greek governments had agreed with its lenders a series of structural reforms, which involved mainly widespread privatisation of public assets and drastic cuts in public spending, largely in salaries and pensions. SYRIZA coming to power boded a collision with the Troika and, according to some, with Greece's European partners.

Quick off the mark, LSE Law organised a highly informative and stimulating public event entitled "Greece: The Future of Europe?" on 13 February. The aim of the event was to explore the significance of the SYRIZA victory for Europe; whether its importance is exhausted in the immediate question of the Greek debt and the future of the Eurozone or whether it might bring to the fore deeper tensions or different visions of a democratic Europe.

The panel of speakers comprised of people with a great deal of experience in the politics and economics of Europe and especially Greece and the Mediterranean region. Professor Simona Talani is the Jean Monnet Chair of European Political Economy in the Department of European and International Studies at King's College London and has written extensively on European political economy as well as the political economy of the Arab Spring. Professor Costas Douzinas (Professor of Law, Birkbeck School of Law; Director of the Birkbeck Institute for the Humanities) is one of the most influential and prolific thinkers of SYRIZA and has been involved in political developments in Greece since the beginning of the crisis. Professor Simon Glendinning (Professor of European Philosophy, LSE European Institute) is one of the leading philosophical thinkers on the idea of Europe. Paul Mason (Channel 4 Economics Editor and Guardian columnist) has been following and reporting on events in Greece arguably more closely than anyone in the British media. He is also currently working on a documentary, with director Theopi Skarlatos, on developments in Greece after the SYRIZA victory. The event was chaired by LSE Law's Emmanuel Melissaris, who is originally from Greece and has recently written a number of pieces on Greek politics both in English and in Greek.

Kicking off the event, Professor Talani focused on the causes of the Greek crisis and the Eurozone crisis generally and argued that it is due not to the "fiscal delinquency" of Greece or the rest of the countries in the European South (and Ireland) but rather to a combination of the global financial crisis and the structural imbalances of the European Monetary Union. She argued that, although the crisis was mainly one relating to competitiveness, it was mistakenly treated as a fiscal crisis thus failing to address its real causes. Professor Glendinning highlighted three binaries in tension. First, he considered the tension between the left Keynesian strand, on the one hand, and the more radical left-wing strand in SYRIZA. Given the signs that the government has chosen to take the former approach in its negotiations with its lenders, Glendinning wondered what ramifications a deal that falls short of the expectations of the more radical wing may have in terms of the party's and the government's coherence. Secondly, he considered the tension between economic and political European integration emphasising the competing incentives that countries such as Greece and Germany might have for further political integration; the former from a position of vulnerability and the latter from a position of dominance. Lastly, taking a philosophical history approach, he discussed the symbolic representation of the idea of Greece for Europe as well as the deep-seated European dimension of the construction of Germany and the post-WW2 attempt to "Europeanise" Germany, which, as Glendinning noted, could only lead to the Germanisation of Europe.

Professor Douzinas traced the origins of the sudden increase in SYRIZA's electoral back to the mass resistance and solidarity movements over the last five years. He also placed the SYRIZA victory in its longer-term historical context, both Greek and European, interpreting it as towards the reorientation of the Eurozone's financial policy as well as redemocratisation of decision-making processes. He concluded by urging the SYRIZA government to reorganise the Greek state and social services around the recently emerged social solidarity structures and practices. Paul Mason attributed the SYRIZA victory not only to its support by participants in social movements but also to the charisma of the party's leaders. After giving an insider's account of the state of the negotiations between Greece and its lenders at the time (it is worth noting that his predictions were largely confirmed eventually), he discussed the implications of the SYRIZA victory for European politics and institutions expecting that both will eventually be nudged in a more progressive direction. The lively discussion that followed focused on many of the points made by the speakers.

The full event podcast for Greece: The Future of Europe? is available at http://t.co/6ta88WbNhH

Legal Biography Project

Among the Legal Biography Project's activities, perhaps the most visible have been the public conversations with eminent judges and lawyers. Since 2007, the project has hosted a series of interviews with judges who have sat on the Supreme Court, House of Lords, and Court of Appeal, as well as those who have held the office of Lord Chancellor and Lord Chief Justice. We have conducted interviews with some of the pioneering women who have achieved eminence on the Bench, as well as one of South Africa's Constitutional Court Judges. These interviews explore not only their careers at the bar and on the bench, but their family background and education, the influences which set them on their chosen paths, and the chance opportunities, or obstructions, which they encountered in their careers.

Many of our interviewees have revealed how their later lives were shaped by childhood experience and education. In his recent conversation with Sir Ross Cranston, the current Lord Chief Justice, Lord Thomas *(pictured right)*, spoke of his childhood in Wales, where his father was a solicitor in Ystradgynlais, as well as acting as clerk to the justices and coroner. He was educated at the village school in the mining community of Cwmgiedd, before being sent to boarding school in England, at the age of nine, first in Harrow and later at Rugby. The young John Thomas was driven by a sense of adventure and intellectual curiosity. Before going up to Cambridge, he spent nine months as a teacher at Mayo College in Rajasthan, learning much about both politics and local village life in India. After leaving Cambridge, he spent a year at the University of Chicago, at the time that Ronald Coase and Richard Posner were developing the economic analysis of law. Once he had returned to the United Kingdom, his career at the bar was often driven as much by chance as planning - such as a chance meeting while acting as marshal on circuit for Mr Justice Cusack in Wales, which led to his joining a set of chambers specialising in commercial work at 4 Essex Court, where he joined a group of remarkable commercial lawyers. As he explained, life at the commercial bar in the early 1970s was very different from the contemporary experience, with a rather smaller number of practitioners and rather less lucrative business.

Edwin Cameron's path into the law, and ultimately to be a justice on the South African constitutional court, was also significantly shaped by his early experiences. Born into a modest family in Pretoria, he had a very unstable and unsettled early childhood, spending five years in a home for disadvantaged children, before winning a scholarship to Pretoria High School. This school – which modelled itself on the English public school tradition – gave him the excellent academic education, which led to his eventually studying Classics at Stellenbosch and Law at Oxford. Always conscious that as a boy, he had been given opportunities denied to his sister, he also became increasingly aware that as a young white South African, he enjoyed all manner of advantages denied to those excluded under apartheid. His political views became more radicalised after the death in detention of the black consciousness leader Steve Biko, and when he returned to South Africa from Oxford, he began to develop a human rights practice (at the University of the Witwatersrand's Centre for Applied Legal studies), combining critical legal academic work with advocacy in court. He became one of the country's most prominent human rights activists in the 1980s, acting as counsel (for instance)

for the Sharpeville Six, as well as remaining a high-profile activist for gay rights in South Africa. Often a brave and fierce critic of those in authority, he told Linda Mulcahy in his interview that twenty years after being castigated by a Minister of Justice under an apartheid government, he found himself under criticism from an ANC Minister of Justice.

Other interviews have shed light on the experience of women seeking to make their way at the bar. Lady Hale, who was one of the most brilliant law students of her generation at Cambridge, described how her gender told against her when seeking a pupillage, which resulted in her starting a career as an academic, rather than a practitioner. Dame Mary Arden had more luck in the same era, when fortune removed one potential gender-related obstacle to her obtaining a pupillage. She recalled that the building housing the set of Chambers where she was seeking to be a pupil had recently been refurbished after a major fire, and that, for the first time in its history, separate lavatories had been installed for men and women. As a result, it was felt that the Chambers could now take women pupils – since they would no longer have to go to the Royal Courts of Justice to use the facilities – and three were taken on. Life at the bar remained tough for young female barristers, and her later attempts to organise a nursery for those with young children, fell on deaf ears.

The conversations we have conducted have given rich insights into the background and personalities of the men and women who continue to shape our law. Many of them are available as podcasts via the LSE Law website; and we hope to add many more interviews with members of the legal profession in the coming years.

EVENTS

Forthcoming Events

Wednesday 30 September 2015,
6.30pm – 8pm,
Sheikh Zayed Theatre,
New Academic Building, LSE

An LSE Law Matters Inaugural Lecture

"Open the Pod Bay Doors, HAL": Machine Intelligence and the Law

HAL 9000 will soon no longer be science fiction: sentient machines will quickly be with us. How will the law and lawyers meet their challenge?

Speaker: **Andrew Murray** is Professor of Law with particular reference to New Media and Technology Law at LSE (Twitter: @AndrewDMurray)

Chair: **Julia Black** is Pro Director for Research at LSE and Professor of Law.

Follow the event on Twitter: #LSEMurray

Tuesday 6 October 2015,
6.30pm – 8pm,
Old Theatre, Old Building, LSE

An LSE Law Public Conversation

On Liberty: In Conversation with Shami Chakrabarti

To mark the paperback release of "On Liberty", Shami Chakrabarti will be in conversation with Conor Gearty and taking questions from the audience and Twitter.

Speaker: **Shami Chakrabarti** is director of Liberty (Twitter: @libertyhq)

Chair: **Conor Gearty** is Director of the Institute of Public Affairs and Professor of Human Rights Law at LSE (Twitter: @conorgearty)

Follow the event on Twitter: #LSEShami

Tuesday 13 October 2015,
6.30pm – 8pm,
Old Theatre, Old Building, LSE

A Gender Institute, LSE Law and LSE Government public debate

Confronting Gender Inequality: Findings from the LSE Commission on Gender, Inequality and Power

The LSE Commission on Gender, Inequality and Power will present their findings at this public debate. Examining persisting inequalities between women and men in the UK, the Commission has focused on the media, the economic sphere, political life, and the legal profession.

Speakers: **Shami Chakrabarti** is director of Liberty (Twitter: @libertyhq); **Rebecca Omonira-Oyekanmi** is a freelance journalist (@Rebecca_Omonira); **Polly Toynbee** is a journalist and writes for the Guardian (@pollytoynbee)

Chair: **Tim Besley** is School Professor of Economics and Political Science, and W Arthur Lewis Professor of Development Economics

Follow the event on Twitter: #LSEtalksGender

Tuesday 27 October 2015,
6.30pm – 8pm,
Wolfson Theatre,
New Academic Building, LSE

An LSE Law Matters public discussion

Theorising Transnational Legal Orders

Professor Shaffer addresses the creation, operation and decline of transnational legal orders across areas of life that transcend the nation state.

Speaker: **Gregory Shaffer** is Chancellor's Professor, University of California at Irvine School of Law, and Vice President of the American Society of International Law

Chair: **Andrew Lang** is Professor of Law at LSE

Follow the event on Twitter: #LSEShaffer

Monday 16 November 2015,
6.30pm – 8pm,
Old Theatre, Old Building, LSE

An LSE Debating Law event

Order without Law? Gangs and other forms of alternative social order in and beyond the prison

Scholars from three disciplines debate the significance of gangs and informal social ordering, and their relationship to formal social ordering such as law.

Speakers: **Dr Insa Koch** is Assistant Professor in Law and Anthropology, LSE Law; **Dr Lisa McKenzie** is Fellow in the Sociology Department, LSE (Twitter: @redrumlisa); **Dr David Skarbek** is Senior Lecturer in Political Economy, King's College London (@DavidSkarbek)

Chair: **Nicola Lacey** is Professor of Law, Gender and Social Policy, LSE

Follow the event on Twitter: #LSEgangs

Thursday 10 December 2015,
6.30pm – 8pm, Sheikh Zayed Theatre,
New Academic Building, LSE

UN International Human Rights Day event with LSE Centre for the Study of Human Rights

Fighting the Behemoth: Law, politics and human rights in times of debt and austerity

Recent events have put Greece in the spotlight and at the forefront of critical questions that connect human rights protection, democracy, debt, and austerity. The situation has exposed grave concerns regarding the failure of international lenders to factor in social rights in the management of the debt and in the crafting of conditionalities imposed on Greece. What if the loans weren't made in the interest of the people of Greece, should the subsequent debt incurred be illegal? Is the debt "sustainable" if social rights are violated in order to service it in the coming years? The recent handling of the crisis also throws into doubt Europe's commitment to basic principles of democracy, with strong voices condemning EU Member States for not respecting the outcome of a referendum held in one of its Member States and where creditors are being charged with requiring a Government to act under threat of a humanitarian catastrophe.

Speaker: **Zoe Konstantopoulou** (President of the Greek Parliament)

Chair: **Dr Margot Salomon** (Centre for the Study of Human Rights; LSE Law; Director of the Laboratory for Advanced Research on the Global Economy)

Unless otherwise stated, events are free to attend with no registration required and seating allocated on a first come first served basis.

Lent and Summer Terms 2016

At the time of print, LSE Law's 2016 events schedule was being finalised. Events are expected to include a return of the hugely popular …**On Trial** as part the LSE Space for Thought Literary Festival 2016, a panel of LSE Law experts discussing current legal and political issues in the second **A Question of Law** and further Law Matters lectures showcasing the research of LSE Law academics and visiting Shimizu professors.

Full details and up to date information can be found at lse.ac.uk/LawEvents

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