

LSE

RATIO

2017/18

The Magazine of LSE Law



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LSE Ratio is published by LSE Law at the London School of Economics and Political Science, Houghton Street, London WC2A 2AE. Tel: +44 (0)20 7955 7688
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Medics and the Law: an interview with Professor Emily Jackson OBE

Dr Paul MacMahon, Assistant Professor of Law

4 **PM: Emily, I'm keen to hear about the many ways you have engaged with the world outside the university, but first I'd like to ask you about your scholarship. How did you first decide to focus on medical law?**

EJ: It was probably about eight years into my academic career. Until then, I'd worked on family law, and feminist legal theory. What attracted me to medical law was the complexity and ambiguity of some of the difficult ethical issues it raises. One can come across a new technology and be genuinely unsure what to make of its wider implications. Or, in other cases, it is just really difficult to strike the right balance between competing considerations – if the rationing of medical treatment is inevitable, how should decisions be made about which drugs should be funded, or which patients should have priority for treatment? There aren't any obviously right or easy answers to these questions.

PM: You work on some of the toughest questions – how should the law respond to the beginning of life (e.g. conception, abortion, surrogacy, birth)? How should it deal with the end of life (palliative care, euthanasia)? Is it especially challenging to take a scholarly approach to such emotive issues?

EJ: Yes. Almost everyone will have personal experiences that they bring to bear on these issues. I think it's important to be honest that there is no 'view from nowhere', and that we are all shaped by our backgrounds and our experiences. At the same time, one's emotional 'gut' reaction to a certain issue or argument, which may be the product of personal experience, is not enough to persuade others, and scholarly arguments require a more considered and reflective response.

PM: Looking at your body of work as a whole, is it possible to characterise your general approach to these challenging questions?

EJ: As a general rule, I suppose I might say that it's hard to justify interfering with a patient's own view about what should happen to her body. At the moment, I'm interested in a recent shift in how the courts make decisions on behalf of adults who lack capacity. Historically, their views and preferences were completely disregarded, but within the last few years, this has changed, and judges really are now doing their best to see things from the patient's point of view.

PM: Unlike the vast majority of academics, you have had plenty of direct impact on the outside world. Perhaps your

biggest public role was as Deputy Chair of the Human Fertilisation and Embryology Authority (HFEA). How did you become involved in the HFEA's work?

EJ: I sent in an application form in response to an advertisement! I was very fortunate to be appointed, and it was one of the most interesting and frankly invaluable experiences I have had in my professional life.

PM: Did your role at HFEA require any special skills you hadn't developed in academia?

EJ: One of the most important lessons I learned was what makes an effective meeting, and what makes an effective chair of a meeting. It was wonderful to work with people with completely different professional backgrounds, and I learned a huge amount from them. Also, it concentrates the mind when the stakes are much higher than in most university meetings. Although what we decide in university committees matters, one is very conscious of what is at stake when a licence committee is charged with deciding whether a person should be able to try to conceive a child in order to use the umbilical cord to save an existing child's life, or whether a new way of creating an embryo for research purposes should be permitted. But although the circumstances are different, the lesson I learned is that you can never be too well prepared for a meeting, and that time spent preparing for every eventuality is never wasted.

PM: Is UK law ready to deal with coming advances in reproductive technologies?

EJ: Yes. The UK has one of the oldest and most comprehensive statutory frameworks for the regulation of reproductive technologies, and a very well-respected regulator. The legislation has stood the test of time remarkably well, and its permissive but rigorous approach stands the UK in very good stead to deal appropriately with new technologies. Of course, some developments will require new primary legislation – for example, the use of stem-cell derived sperm and eggs in treatment, but the HFEA has a track record of engaging in high quality public engagement and careful evaluation of the scientific evidence before new technologies can be approved for use in treatment.

Interestingly, it isn't advances in reproductive technologies that pose some of the most difficult challenges for regulation. Instead, the internet and cheap travel have made

avoiding regulation altogether much more straightforward than it was in the past. When people find sperm donors online, or travel overseas for egg donation, it is obviously impossible for it to be subject to the sort of regulation that exists when people are treated in licensed clinics in the UK.

PM: You're currently a member of the Medical Ethics Committee of the British Medical Association (BMA). What does this role involve?

EJ: The Medical Ethics Committee helps to draw up the BMA's responses to some of the ethical issues faced by its members. It is really common for doctors to be presented with difficult ethical dilemmas – for example, when, if ever, is it acceptable to breach patient confidentiality in order to protect others? And some doctors work under particularly stressful conditions, for example, in conflict zones or in prisons and detention centres. The BMA puts together 'toolkits' to help its members navigate complex situations, as well as providing specific guidance on particular issues.

PM: Lawyers are notoriously resistant to non-lawyers scrutinising their practices. Do medical professionals also bristle at outside involvement?

EJ: I haven't experienced that at all. My experience is that doctors are very interested in how the law applies to their medical practice.

PM: Have you ever perceived any tension between your scholarly work and your public service?

EJ: As academics, we are used to being able to be critical of anyone or anything. When you sit on a public body and take collective responsibility for its decisions, you have to accept that there are restrictions upon what you can say publicly. I haven't found that a problem, it's just a normal consequence of taking on that sort of responsibility.

PM: Your public engagement isn't limited to your specialist field of medical law; you have just finished a three-year term as a Judicial Appointments Commissioner. The Commission was established about ten years ago with the purpose of opening up senior judicial office to a wider range of candidates. How effective do you think it has been?

EJ: I think it has been effective. It is true that progress at the most senior levels of the judiciary has been slow, but at the more junior levels – among District Judges, Circuit Judges and in the tribunals – women and people from minority ethnic



groups are much better represented than they were when the JAC was set up. The JAC appointments process is obviously much more open, fair and transparent than the 'tap on the shoulder' of previous years.

Of course, if one has an application-based system for judicial appointments, it is important that people from underrepresented groups apply for positions. That means that it's not enough to simply make sure that women and BME candidates are treated fairly once they have applied. It's also important that people from underrepresented groups are encouraged to apply for judicial office. And it's important also to think about the terms and conditions of judicial positions; for example, by making salaried part-time working available.

PM: You have been at LSE Law for almost two decades now, and recently served as our Head of Department. How has the Department changed over the years?

EJ: A lot! It's much bigger than it was when I joined, and there is now a critical mass of really excellent colleagues at all levels of seniority. Having worked in other law departments, I know that ours is a very special place and we should really appreciate each other and the wonderful collegiality of, for example, our weekly lunchtime research seminars.

PM: Alongside all your other commitments, you have recently taken on a major administrative position at LSE as Vice-Chair of the School's Academic Board. Do you ever take a break?

EJ: Yes! I try not to work too much at weekends. Although I love my job, I really enjoy doing things other than work, like seeing friends or visiting galleries. When I've had a particularly hectic week at work, there is nothing I like more than to sit outside on my roof with a good novel.

A Minute in the Mind of Dr Stephen Humphreys

In conversation with Dr Paul MacMahon, Assistant Professor of Law

Stephen Humphreys is an Associate Professor of International Law in LSE Law. His publications include *Theatre of the Rule of Law* (2010) and the edited volume, *Human Rights and Climate Change* (2009), both with Cambridge University Press.

PM: What are you working on at the moment?

SH: One article that is hopefully nearly finished is on carbon accounting. Under the Paris Agreement, we're moving to a regime whereby we count carbon emissions and cap them globally. The effect of this new regime will be to distribute and redistribute the capacity for development. Take your phone, for example. Its capacitor depends on minerals, probably mined in Congo, either by Australian companies or by warlords. Bought up by Rwandan middlemen, sold to Malaysian smelters, then processed in Chinese factories on behalf of American companies for the user in Britain (you!). There are emissions every step of the way: but all these countries now have caps. How should we divvy it up? How to account for utterly different conditions of production and consumption?

PM: How do you decide what to write next?

SH: From various sources – I suppose it's a combination of questions that arise from teaching with those that arise from being a news junkie.

PM: What do you teach?

SH: I have been lucky to run two of my own courses. One is for postgrads on Climate Change and International Law. The other is an undergraduate course called Global Commodities Law, dealing with the theory and history of international law – I make very clear to the students at the outset that I am not

training them to be commodities traders! I also teach an LLM course on the law of armed conflict.

PM: You're a self-described news junkie – is anything in the news particularly exercising your interest at the moment?

SH: It's more like combing through the news for larger trends – I think that's what we do at LSE. Two trends interest me right now, both related to the idea of 'post-truth', though I don't much like the term. One, connected to my work on climate change, concerns our apparent inability to imagine the future we're walking into. The other is a shift in what we used to call the 'public sphere' – away from even nominal truth-seeking and towards something more like Brownian motion...

PM: Where are you from?

SH: Dublin.

PM: How did you get from Dublin to LSE Law?

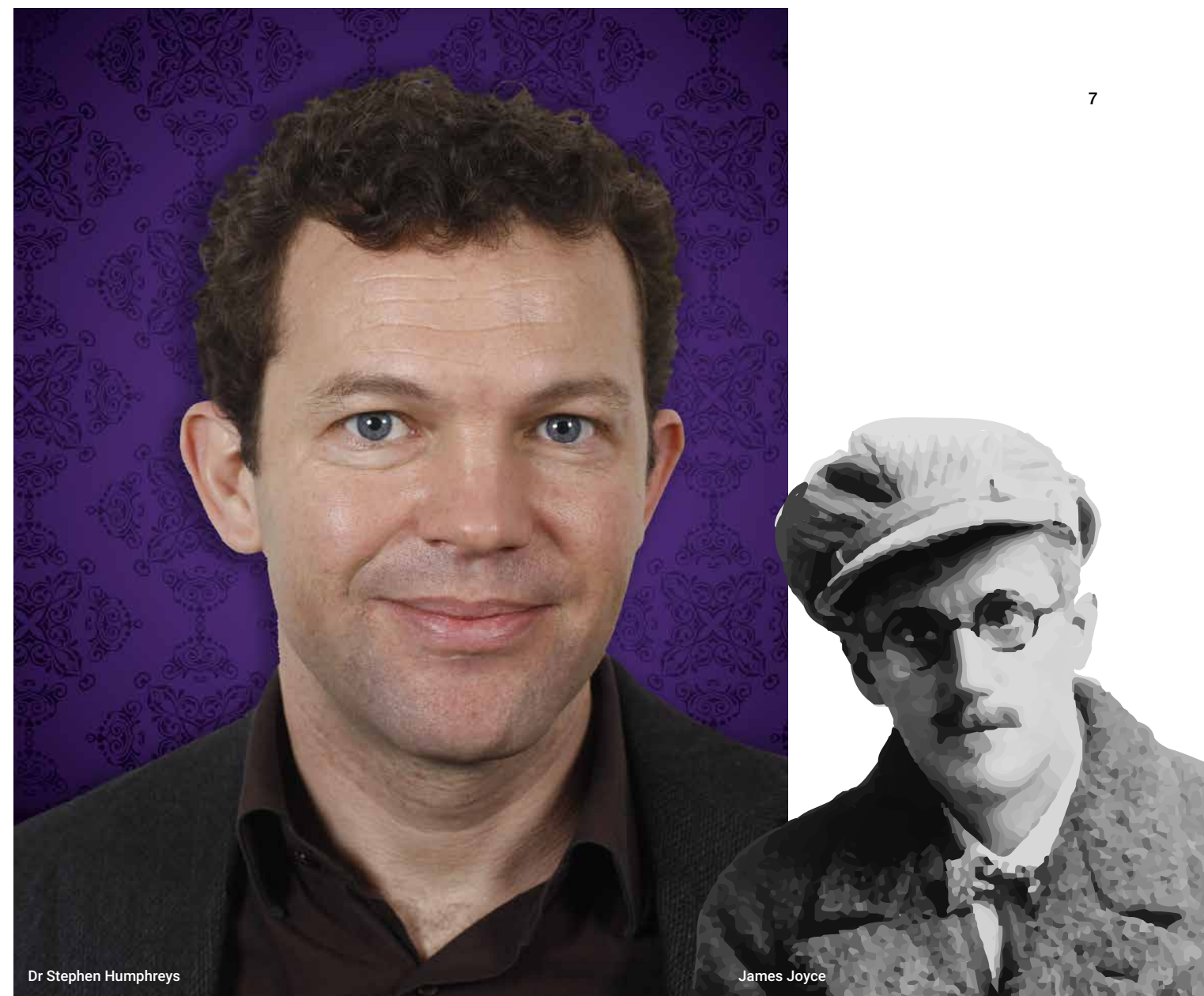
SH: Let's see: six years in Budapest, two years in Dakar, Senegal, two years in New York, two years in Geneva – plus a couple of years in Cambridge, where I did my doctorate.

PM: Did you pick up any linguistic abilities on your travels?

SH: That sounds like a leading question...

PM: It is!

SH: I can speak French with either an African or a Swiss accent, and I speak Hungarian too. After completing my first degree, in English literature, I went to Hungary on an exchange programme and taught literature at ELTE University. It's a deeply literary culture; every second person thinks they're a poet. I learned the language and soon found myself translating poetry into English.



PM: Do you translate whole collections, or just individual poems?

SH: I've published collections in the past – by Lajos Parti Nagy and Zsófia Balla, for example. Today it's just individual poems whenever I find time.

PM: Did you celebrate St Patrick's Day this year?

SH: Insofar as I celebrate my nationality, it's Bloomsday. Wherever you are, there's very often an event celebrating Bloomsday, with people reading and acting out passages of *Ulysses*.

PM: Have you ever participated in a Bloomsday event?

SH: I have – in Budapest, I was once asked to play James Joyce at a poetry reading. With circle-glasses, a black suit, sparse moustache and cane. Joyce wore a grey or tan fedora, but the only one I could find belonged to a Jewish friend and was all black – quite appropriate, given Bloom was himself a Hungarian Jew.

Athena SWAN: a reflection in equality, diversity and inclusion

Dr Julie McCandless, Assistant Professor of Law

In November 2016, LSE Law applied for a bronze level Athena SWAN Charter Award. Athena SWAN is one of two national equality charters, run by the Equality Challenge Unit (ECU). Launched in 2005, it enables UK higher education institutions to apply for an award recognising their commitment to the promotion of gender equality and the progression of women's careers. The other charter is newer in origins and pertains to race.



top left: Professor Jeremy Horder; bottom left: Dr Chaloka Beyani; right: Dr Julie McCandless

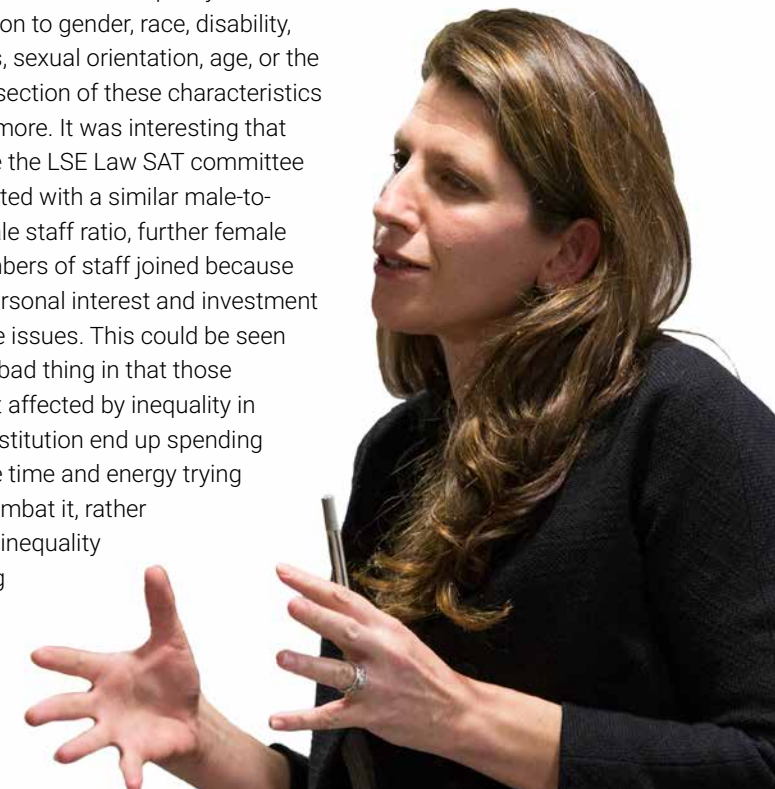
ECU's Athena SWAN Charter evolved from work between the Athena Project and the Scientific Women's Academic Network (SWAN), to advance the representation of women in science, technology, engineering, medicine and mathematics ('the STEMM subjects'). In May 2015 the scope of ECU's Athena SWAN Charter was expanded to cover gender equality in arts, humanities, social sciences, business and law disciplines. As a predominantly social science institution, LSE therefore has a much more recent history with the Athena SWAN charter than many other UK universities. Awards are given at both an institutional and departmental level. At the time of writing, only two law departments – Glasgow and Sussex – hold an Athena SWAN Charter Award (both bronze). LSE Law had hoped to join these ranks. However, a precursor for departmental-level awards is that the institution holds at least a bronze level award; so although LSE Law's application was successful, the School's application – and that of three other LSE departments – was not. This recent result makes clear that the Athena SWAN process is a demanding one. It is this factor – more than any bronze medal – that makes our participation worthwhile.

The Athena SWAN Charter is underpinned by ten principles, the thrust of which is a commitment to tackling the obstacles faced by women in academia so that the sector may benefit from the talents of all. The particular issues of equal pay, representation, harassment, retention and progression are highlighted, as well as the need to tackle inequality at a cultural and systemic, as opposed to individual, level. The application process is outcome-focused. Data that paints a picture of the unit applying must be gathered and generated in order to identify problematic areas, as well as the work that needs to be done if cultural transformation is to take place. The methodology employed is that of self-assessment and peer review. In LSE Law, a 15-member Self-Assessment Team (SAT) was formed. The SAT was chaired by the Head of Department, Professor Jeremy Horder, who further sat on the School's SAT, along with the Department Manager, Matt Rowley. As well as demographic data from Human Resources, the SAT conducted an online culture survey – designed and led by Dr Meredith Rossner and Dr Siva Thambisetty – and a number of follow-up interviews were conducted by an external independent researcher. The SAT had less than a calendar year to collect and analyse this data, and then translate the results into the Athena SWAN Charter Award application form; a 68-page document penned by Matt Rowley and the Department's Executive Officer, Alison Grant.

A common complaint in all institutions is excessive paperwork. When the purpose of this paperwork is to paint a picture of a department or a person, there is of course further complaint as to the prescriptive and restrictive nature of the form. In reflecting back over the Athena SWAN process, SAT member Dr Andy Summers lamented the hours that went into the preparation of the paperwork. He questioned whether words and figures on a form could ever really capture people's experiences, and whether the time and influence devoted to the process could have been better spent. Yet he also made the observation that the Athena SWAN process has been an important provocation for LSE Law. Without the drive to submit the application, certain new structures and procedures would not now be in place. For example, the SAT committee has been transformed into a permanent department Equality, Diversity and Inclusion (EDI) Committee, providing a visible infrastructure for issues that are at once personal and systemic. The collection of demographic data has also been important in substantiating what might otherwise have been dismissed as 'anecdotal' or perception-based.

It is easy to be cynical about processes like Athena SWAN, particularly when institutions participate in them for pragmatic reasons such as access to future research funding or as a way of 'selling' the university to prospective staff or students. However, these motivations do not necessarily preclude a wider political commitment to inequality, whether in relation to gender, race, disability, class, sexual orientation, age, or the intersection of these characteristics and more. It was interesting that while the LSE Law SAT committee debuted with a similar male-to-female staff ratio, further female members of staff joined because of personal interest and investment in the issues. This could be seen as a bad thing in that those most affected by inequality in an institution end up spending more time and energy trying to combat it, rather than inequality being seen

Dr Devika Hovell





top: Professor Christine Chinkin; middle: Chris Thomas;
bottom: Professor Carol Harlow

as everyone's responsibility. Yet those who are most affected have insights that are important to harness. Without the Athena SWAN process it is unlikely that people motivated to address gender and other inequalities in the workplace would have a formalised infrastructure for doing so in LSE Law: an infrastructure that is now recognised in the Department's workload allocation model.

However, as the important and insightful work of feminist scholar Sarah Ahmed demonstrates, diversity work at institutions – of which universities are no exception – persistently operates in a paradox, whereby an institution's symbolic commitment and resourcing of diversity work is not necessarily matched by institutional transformation in relation to sexism, racism and other inequalities.¹ Inequality has a way of persisting and re-emerging, despite new processes and procedures. This is perhaps why Athena is a particularly suitable patron for the ECU's equality charters, for while she is often remembered as the goddess of war, she was also the goddess of wisdom and intelligence. She disliked violence and fighting without purpose, preferring instead to use insight to settle disputes. But fight she did, for causes that she felt were just. She might therefore be more accurately described as the goddess of 'war strategy'.

Those taking up EDI roles in LSE Law and the School more widely have a challenging task, for while LSE has many positive EDI policies in place – for example, I have recently benefitted from a period of 18 weeks maternity leave on full pay – a cursory look at LSE staff demographics signals a very high proportion of white men in senior positions at the School: 75% of the professoriate is male, while 82% self-identify as white.² Considerable insight and also war-like strategies may well be required. Only through collective discussion, commitment and creative thinking that we can start to figure out, in sufficiently ambitious ways, how to transform the environment in which we work. Yet these discussions are difficult to have as they require bravery, empathy and a willingness to be honest and perhaps also vulnerable, which is not a particularly easy thing to do at an elite academic institution like LSE.

To help us in this task, Dr Meredith Rossner and Dr Siva Thambisetty organised a fantastic session at our annual Away Day in May; a session that was cleverly underpinned with humour. The session began, in traditional academic style, with group discussions of some of the themes and concerns to emerge from the department culture survey and

SAT committee meetings, for example: managing research and writing in light of changing responsibilities at home; the use of citational measures as performance indicators; how it feels to respond to day-to-day inequality; and academic scheduling. Following the plenary report-back, the discussions were then translated into a series of improvised mini-musicals by a group call The Showstoppers. The final musical, titled 'Excellent Sheep' – inspired by awareness that as lawyers, we suffer from a keenness to operate within the rules – ended with the great line: "don't just chase the stick, be a maverick and be brave."

By participating in the Athena SWAN charter scheme and incorporating an EDI committee into our departmental infrastructure, LSE Law has signalled a positive commitment to tackling gender and other inequality. Only time will tell if this commitment can be translated into positive institutional change. In the meantime, we owe considerable thanks to those who have provided departmental leadership on this important issue, and in doing so, proved themselves more 'wolf' than 'sheep'.

¹ See Sarah Ahmed (2012) *On Being Included: Racism and Diversity in Institutional Life* (Durham and London: Duke University Press).

² For equality data on both staff and students at LSE, see: info.lse.ac.uk/Staff/Divisions/Equity-Diversity-and-Inclusion/EDI-objectives-and-data/Equality-data



top: Lewina Coote; bottom: Dr Sivaramjani Thambisetty

Bradley Barlow: Stage, social media and traffic cones

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Dr Paul MacMahon, Assistant Professor of Law

'Bradley Barlow is a man with a fertile imagination.' So said one reviewer of Bradley's first play, *The Family*. Bradley is an accomplished playwright and director, with four full-length plays to his name – and he also has ample opportunity to flex his creative muscles in his day job as LSE Law's Communications Officer.

Bradley's devotion to the stage goes back to childhood. He spent his formative years in Portsmouth, and recalls joining a youth workshop there when he was 11. 'I've acted since I was a kid; I've made things up as long as I can remember.' On leaving school, he moved to Chichester for a degree in Dance and Related Arts, 'so I spent fifty percent of my time pretending to be a tree'. The course allowed him to pursue choreography, improvisatory dance, film-making, and acting. He continues to act, most recently taking on the role of Trinculo the jester in *The Tempest*. Wearing a hat based on a traffic cone, he shocked audience members by stealing their snacks. Bradley continues to act partly because it helps with his main creative focus: writing plays and directing them.

Bradley's plays are challenging; they take an unflinching look at the troubling side of human relationships. 'I try to put the audience on unsteady ground.' His work tends to feature dark humour and strong female characters, and it frequently draws on topical themes and real-life crime stories. *The Family* (2009) starts with a soldier returning from battle to live with the sister who raised him. With a small cast – four actors playing five characters – the play was a success, and was soon picked up by another theatre for a second production. His second, *143 Seconds* (2011), features a Madeleine McCann-like character who was kidnapped as an infant but who returns to her family as a teenager.

Bradley's third play, *Dead Leaves* (2014), starts with a dead body and centres on the life of the victim, who eventually appears on stage. To ensure the accuracy of the play's more gruesome aspects, Bradley consulted with the Director of Forensic Services for the City of London Police. The most recent play, *The Last Time We Saw You* (2017), begins with a missing person, a presumed mysterious homicide; its climax provoked gasps and tears from the audience. This time, Bradley was able to conduct his research closer to home, drawing on Professor Jeremy Horder's criminal law expertise.

Bradley manages to combine his theatrical work with his position at LSE Law (he writes on the train to and from work). His role as Communications Officer is to figure out how best to promote what the Department does to the outside world. One of his biggest struggles, he says, is to make sure colleagues in the Department tell him about the exciting things they are doing, so that he can spread the word.

In addition to serving as the Editor of this magazine, one of Bradley's main tasks is to organise the Department's rich calendar of public events. At those events, as in other aspects of the job, he constantly tries to harness new technology so as to reach ever-wider audiences. He recalls a particularly striking example at an event featuring Keir Starmer, who was then the Director of Public Prosecutions. Starmer announced that retweeting a grossly offensive tweet would render the re-tweeter just as liable to prosecution as the original tweeter. By coincidence, the event was the first that Bradley had decided to 'live-tweet' to the outside world, and the DPP's claim quickly garnered newspaper headlines. In another of Bradley's favourite live-tweeting moments, Baroness Hale explained her loneliness as the Supreme Court's sole female member by joking that it would be 'nice to have someone to talk about shopping with'. The remark – concise, thought-provoking, and humorous – proved ideal for Twitter's 140-character format.



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Bradley is especially proud of LSE Law's occasional 'On Trial' events for the LSE Literary Festival. The Department has so far put Austerity in the dock (verdict: guilty), has tried Baby Boomers on charges of wrecking the world for future generations (not guilty), and has reviewed multiple accusations levelled at the United Nations (guilty in part). These mock trials feature prosecutors, defence lawyers, expert witnesses, and juries, making for absorbing and dramatic debates. As Bradley says, a Geography Department would lack credibility if it tried to conduct a trial – the format showcases LSE Law's strengths.

Of late, Bradley has combined his communication skills with his outside interests, becoming a kind of theatre impresario

as the Artistic Director of Pitchy Breath Theatre Company. Unusually for a non-professional company, Pitchy Breath focuses on new writing: it provides a script-reading service and holds workshops for aspiring writers, as well as putting on original plays. Fresh interpretations of classics are welcome, too; plans are afoot for a gender-fluid, modern version of *Julius Caesar*. 'We want to be able to push boundaries and to challenge ourselves and the audience'. Exercising his marketing prowess, Bradley has devised a motto for Pitchy Breath that also sums up his own work: 'Bold, limitless, new'.

In Memoriam: Helen Reece

25 October 1968 – 26 October 2016

Professor Peter Ramsay, Professor of Law

Helen Reece was taken away from LSE Law by cancer at the age of just 48. Our abiding memory of her will not be one of physical vulnerability, however. Colleagues and students will remember Helen for her professional diligence, her good humour and kindness. But above all, we will recall her intellectual robustness. In her writing and her teaching, Helen rarely took the easy course and she never shied away from the hard argument.

Helen's distinctiveness as a legal thinker arose from her willingness to stand outside the consensus and unpick the assumptions that formed the basis of legal thinking in an area. In her first major contribution to the literature, *Losses of Chances in the Law*, she wrote about the arbitrariness widely thought to characterise part of the law of damages in tort, and she demonstrated the underlying principle that reconciled the cases, to the evident satisfaction of Lord Hoffmann who gratefully cited her solution in a subsequent case.

Her first contribution to family law attacked the 'Paramouncy Principle', the principle that in any family law proceedings in which a child's upbringing was concerned, the welfare of the child must be the paramount consideration. The principle enjoyed what Helen called 'an astonishingly solid consensus', both inside and outside legal circles. She proceeded to argue that the real reason for its success was that its apparent neutrality provided a mask for decisions really made on controversial ideological grounds. It was a classic and influential piece of critical legal thinking. More recently, she caused controversy with bracing articles disputing the logic behind the blanket ban on sex offenders adopting children and deconstructing the orthodox feminist

argument that juries in rape trials are influenced by myths about rape.

Helen's originality owed much then to moral courage. She was willing to risk unpopularity in pursuit of clarity. But her insights were of course also a consequence of her intellectual methods. Her thinking was the opposite of doctrinaire. She imposed no ready-made theoretical or jurisprudential model on her reading of the law or of any other subject matter, and this helped her to be sensitive to precisely how law and policy were changing. Chief among those changes was the transformation of the moral environment in which family law operated in her own time.

In the late 1990s she had attacked the 'Paramouncy Principle' as an apparently neutral vehicle for disguising official bias against lesbian parents. She remained completely committed to gay and lesbian equality. But that article was written at exactly the moment that the old anti-gay policy was disintegrating. Two decades on, whatever the prejudices of individual judges may or may not be, gay marriage is a legal institution. Helen was alert to the significance of this change.

In her book *Divorcing Responsibly*, she offered a groundbreaking account of a new moral order that was emerging to replace the prejudices of the past. She explored the efforts in the 1990s to shore up marriage by reforming divorce law. She found that traditional morality had been displaced in official thinking by an idea of individual responsibility drawn from new intellectual perspectives such as feminism, communitarianism and the sociology of reflexive modernisation. She characterised this new thinking not as conservative, but as 'post-liberal', mobilising contemporary intellectual resources behind novel governmental measures to regulate individual freedom.

Having identified this new post-liberal order, Helen began to critique its wider impact on intimate relations, be it through the soft power of responsible parenting advice or the hard edge of domestic violence and harassment law. In particular, she offered a highly critical reading of feminist understandings of these developments, not least because



they failed to acknowledge their own influence in the corridors of power. It is fitting that her last published work will be a reflection on the rape myth controversy in a volume called *Governance Feminism: Notes from the Field*.

Helen's arguments could be controversial. She provoked anger with her accusation of elitism against those experts who promote the idea that juries believe rape myths. Some academics even called for her arguments to be denied an academic platform. Her response was characteristically careful and measured, and her resolve not to be silenced encouraged other critics to put their heads above the parapet.

If Helen's arguments were sometimes controversial, she was no controversialist. In all the recent arguments, it seemed to me that Helen was guided by an unfashionable idea that individual freedom was a real and desirable possibility. The law she thought could either contribute to achieving

freedom, through ensuring basic equality of treatment, or to frustrating freedom through insisting on minute policing of our ideas and decisions. Helen's view rested on a fundamental trust in the law's subjects, in our capacity to work things out for ourselves, and for our children, without the constant interference of state regulation and of experts in everyday life.

As an academic, Helen educated young people to become legal experts. Her commitment to individual freedom informed her teaching too. She encouraged her students not to wait to be told the right answer, but to seek out their own path through the arguments. She was a partisan of academic freedom and freedom of expression because she thought that students should be able to evaluate any idea for themselves. Believing in equality, she assumed that her students could, if they wished, do what she did. And what Helen did was think for herself.

Awards



LSE Law are delighted to congratulate a hat trick of honours to three of our academics. **Professor Nicola Lacey** (left) was recognised in the New Year's Honours List, receiving a CBE for her services to Law, Justice and Gender

Politics. In the Queen's Birthday Honours List, **Professor Emily Jackson** received an OBE for her services to higher education, and **Professor Christine Chinkin**, Emeritus Professor of International Law and founding Director of the Centre for Women, Peace and Security at LSE, has been made a Companion of the Order of St Michael and St George (CMG) for services to advancing women's human rights worldwide. Our warmest congratulations to all three.



Professor Christine Chinkin was also awarded the Sir Brian Urquhart Award for distinguished service to the United Nations by a UK citizen. Professor Chinkin received the award from the United Nations Association UK (UNA-UK) at the Danish Embassy on 24 October

to mark United Nations Day 2016. The UNA-UK said the award was given "as a mark of our admiration for her work – as an academic and as a practitioner – in the fields of human rights; women, peace and security; and international law, justice and accountability. The award would also be a mark of our gratitude for all the support that she has provided to UNA-UK over the years."

We are delighted to announce that **Dr Tatiana Cutts** has been awarded this year's Wedderburn Prize from the Modern Law Review for her May 2016 article *Tracing, Value and Transactions*. The Wedderburn Prize is named in honour of Lord Wedderburn of Charlton, who served as General Editor of the Modern Law Review from 1971 to 1988, and is awarded annually for a contribution to that year's volume which in the opinion of the Editorial Committee is exemplary of the type of scholarship that the Modern Law Review aims to promote.

Congratulations to **Professor Linda Mulcahy** who has won the Socio-Legal Studies Association 2016 Annual Prize. The award acknowledges her contributions to the socio-legal scholarly community: "Her contributions to the socio-legal community

have been many and varied over the last 25 years. She has produced ground-breaking interdisciplinary work on dispute resolution, particularly in the area of medical mishaps, and on law and architecture... She is truly a leading citizen of the socio-legal community and has played a very important role in helping socio-legal studies become the dynamic and thriving field it is today."

Professor Mulcahy has also been elected to the Council of JUSTICE which seeks to advance the fair administration of justice and to persuade decision-makers by the strength of their legal research and reasoned argument.

Congratulations to **Dr Federico Picinali**, who has won the 2016 *Journal of Applied Philosophy* essay prize, for his article *Base-rates of Negative Traits: Instructions for use in Criminal Trials*, an annual prize of £1000, awarded by the journal's editors.

Many of LSE Law's academics and teachers won awards at LSE's Student-Led Teaching Excellence Awards in May.

- **James Irving** was awarded LSE Class Teacher (Law)
- For the Award for Feedback and Communication, **Dr Federico Picinali** came away as the overall winner, with **Professor Neil Duxbury** and **Ryan Stones** being Highly Commended.
- In the Award for Welfare and Pastoral Support category, **Dr Andrew Summers** was one of the runners up along with **Professor Linda Mulcahy** being Highly Commended.
- The Award for Innovative Teaching had three from LSE Law being Highly Commended: **Enrique Jorge-Sotelo**, **Dr Floris De Witte** and **Sarah Paterson**.
- **Dr Igor Stramignoni** was among the runners up for the Award for Sharing Subject Knowledge, with **Professor Emily Jackson** in the Highly Commended listing.
- Finally, **Dr Tatiana Cutts** was a runner up in the Award for Inspirational Teaching, with **Robert Craig**, **Professor David Kershaw** and **Dr Jacco Bomhoff** being amongst those Highly Commended.

Appointments

We are pleased to announce that two LSE Law graduates have been appointed as Department Ambassadors. **Alan Elias** is a former partner at Clifford Chance, a School donor, and is

Staff

the chair of LSE Council and the Court of Governors; **Gauri Kasbekar-Shah** is an RBS partner, an LSE Governor, former co-chair of the LSE Lawyers' Alumni Group, and winner of a 2017 LSE Outstanding Volunteer prize. Alan and Gauri will assist Professor Jeremy Horder, Head of Department, in advising the Department on Alumni relations, represent us at Alumni events, and support our development activities. The posts are unpaid and will run for a three year term.



Dr Abenaa Owusu-Bempah



Martin Bengtzen



Richard Martin



Dalia Palombo

New arrivals

We are very happy to be welcoming **Dr Abenaa Owusu-Bempah** who joins us as an Assistant Professor from City, University of London where she taught Criminal Law and the Law of Evidence.

Three LSE Fellows will be joining the Department this year. **Martin Bengtzen** currently teaches on law and economics of corporate transactions in MSc Law and Finance at Oxford. **Richard Martin** has taught on the MSc in Criminology and Criminal Justice at Oxford and his research is on the legal, social and organisational lives of human rights law in policing in Northern Ireland. **Dalia Palombo** has previously taught on LSE Summer School and was formerly a research fellow at the Max Planck Institute Luxembourg for Procedural Law.

We are delighted to welcome you all to LSE Law.

Promotions

Congratulations to **Peter Ramsay** who has been promoted to Professor.

Dr Floris De Witte, **Sarah Paterson**, **Dr Federico Picinali** and Edmund Schuster have all been promoted to Associate Professor – congratulations to each of you.

Farewells

Professor Michael Bridge is retiring this year but will be staying with LSE Law as Emeritus Professor.

We say goodbye to **Dr Carsten Gerner-Beuerle**, who will be joining UCL, and to **Dr Jan Komárek**, who has joined the University of Copenhagen – congratulations on your new posts.

Two of our LSE Fellows left LSE Law this year: **Dr Michèle Finck** has joined the Max Planck Institute for Innovation and Competition whilst **Dr Patrick O'Brien** is joining Oxford Brookes. Best of luck to you both.

Professional Services Staff changes

This summer we welcomed the return of **Harriet Carter** to her role as Department Manager for Operations and Personnel following her maternity leave. Her cover, **Nyssa Lee-Woolf**, was appointed as Department Manager for LSE International Relations earlier this year and we thank **Michele Sahrle**, our current Service Delivery Manager for Postgraduate Programmes, for covering the final part of leave. We also welcomed **Rebecca Newman** back to her role as Postgraduate Programmes Administrator following her maternity leave. **Mary Wells**, who was covering the post, has since joined LSE Philosophy, Logic and Scientific Method as their Graduate Programmes Manager.

We also said goodbye to **Rozia Hussain**, our former Knowledge Exchange and Impact Service Delivery Manager, who has joined the LSE Research Division. Her role has now been taken on by **Dr Prabhat Sakya**, who joins us from the University of Oxford.

Following her time covering roles on our LLB and the Executive LLM, we waved goodbye to **Anna Lisowska** and we will shortly be welcoming **Laura-Ann Royal** as Undergraduate Programmes Officer. We briefly welcomed **Jade Vickery** as Assessments and Regulations Officer who has since joined Pearson in a qualifications role.

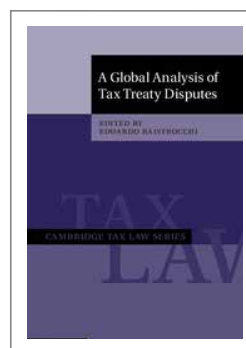
Finally, after nearly ten years in the Department, **Bradley Barlow** is leaving his role as Communications Officer and as Executive Editor of Ratio. You can read more about his role and experiences at LSE on pages 14 and 15.

Welcome back to those returning to the Department and for those leaving LSE Law we thank you for your hard work supporting your colleagues.

New Books

18

19

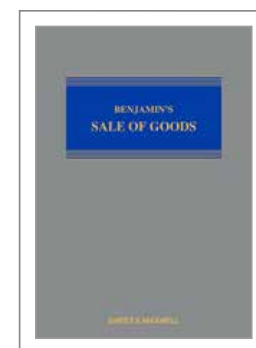


Baistrocchi, Eduardo (ed) (2017)

A Global Analysis of Tax Treaty Disputes

Cambridge University Press, Cambridge, UK

ISBN 9781316507254

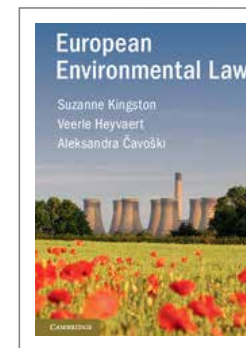


Bridge, Michael G (ed) (2016)

Benjamin's Sale of Goods

9th Edition, Sweet & Maxwell, London, UK

ISBN 9780414051041

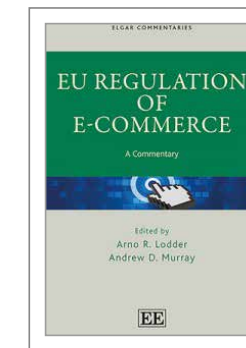


Kingston, Suzanne, Heyvaert, Veerle and Čavoški, Aleksandra (2017)

European Environmental Law

Cambridge University Press, Cambridge, UK

ISBN 9781107014701

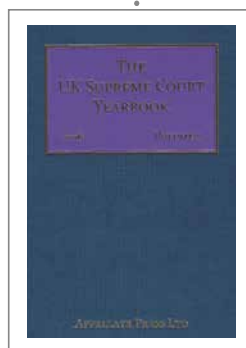


Lodder, Arno R and Murray, Andrew D (eds) (2017)

EU Regulation of E-Commerce: A Commentary

Edward Elgar, Cheltenham, UK

ISBN 9781785369339

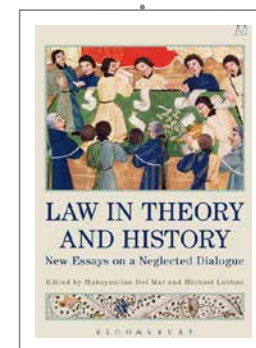


Clarry, Daniel and Sargeant, Christopher, (eds) (2016)

The UK Supreme Court Yearbook

Appellate Press, Cambridge, UK

ISBN 9781911250142

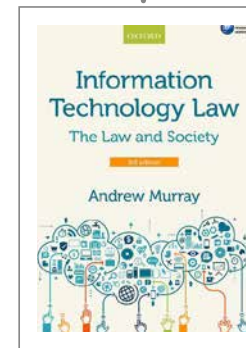


Del Mar, Maksymilian and Lobban, Michael, (eds) (2016)

Law in Theory and History: New Essays on a Neglected Dialogue

Hart Publishing, Oxford, UK

ISBN 9781849467995

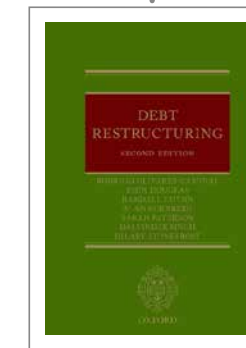


Murray, Andrew D (2016)

Information Technology Law: The Law and Society

3rd Edition, Oxford University Press, Oxford, UK

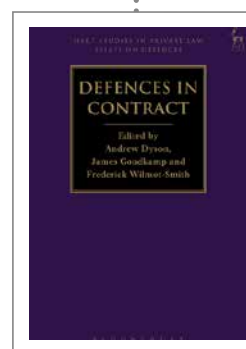
ISBN: 9780198732464



Olivares-Caminal, Rodrigo, Kornberg, Alan, Paterson, Sarah, Douglas, John, Guynn, Randall and Dalvinder Singh (2016)

Debt Restructuring

2nd Edition, Oxford University Press, Oxford, UK

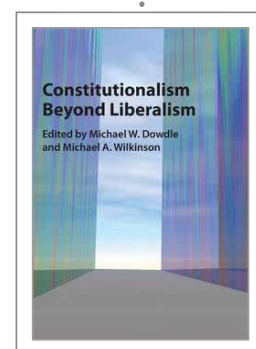


Dyson, Andrew, Goudkamp, James and Wilmot-Smith, Frederick, (eds) (2017)

Defences in Contract

Hart Publishing, London, UK

ISBN 9781849467230

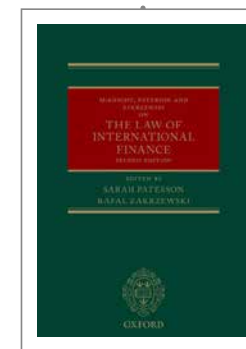


Dowdle, Michael W and Wilkinson, Michael A, (eds) (2017)

Constitutionalism Beyond Liberalism

Cambridge University Press, Cambridge, UK

ISBN 9781107112759

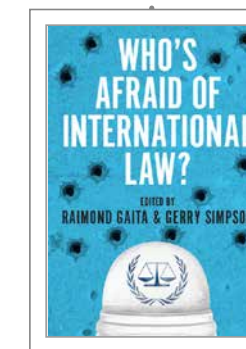


Paterson, Sarah and Zakrzewski, Rafal (eds) (2017)

McKnight, Paterson, & Zakrzewski on the Law of International Finance

2nd Edition, Oxford University Press, Oxford, UK

ISBN 9780198725251

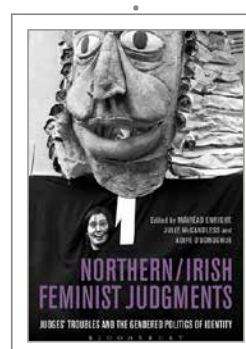


Simpson, Gerry and Gaita, Raimond (eds) (2017)

Who's Afraid of International Law?

Monash University Publishing, Victoria, Australia

ISBN 9781925377002

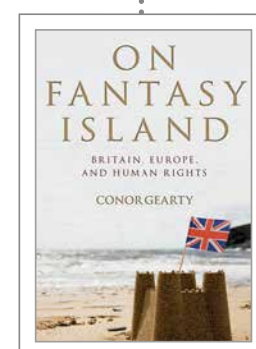


Enright, Máiréad, McCandless, Julie and O'Donoghue Aoife (2017)

Northern / Irish Feminist Judgments: Judges' Troubles and the Gendered Politics of Identity

Hart Publishing, Oxford, UK

ISBN 9781509908936

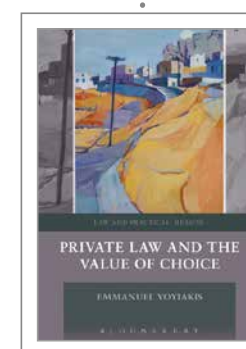


Gearty, Conor (2016)

On Fantasy Island: Britain, Europe, and Human Rights

Oxford University Press, Oxford, UK

ISBN 9780198787631

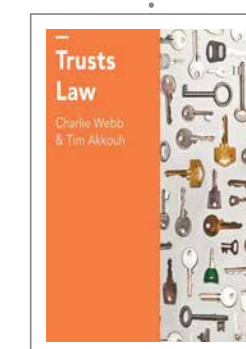


Voyiakis, Emmanuel (2017)

Private Law and the Value of Choice

Hart Publishing, Oxford, UK

ISBN 9781509902842



Webb, Charlie and Akkouch, Tim (2017)

Trusts Law

5th Edition, Palgrave, London, UK

ISBN 9781137606723

The Brexit Effect: how the referendum result impacts our PhD research

Signe Rehling Larsen, Dagmar Myslinska and Sarah Trotter, in conversation with Dr Jo Murkens, Associate Professor of Law

JM: Could I ask the three of you to outline your original research proposal, as it was before the referendum?

Sarah: My initial proposal was to look at the construction of subjectivity within two orders, the EU and ECHR orders. I was going to look at how the courts interact on that issue. Over the course of the first year, my project developed more into a history of the idea of 'the individual' that is at the heart of EU fundamental rights law and ECHR law. So I was looking at the interaction between the individual and order.

Dagmar: I have been looking at how both EU and UK anti-discrimination laws and equality discourses conceptualise and approach Polish migrants, particularly in relation to select policies facilitating Poles' movement to the UK. Luckily enough, or foolishly, my research question has not really changed. At this point, Brexit doesn't impact the question directly. Although, of course, it helps to reinforce some of my arguments and it does impact how I will write it up.

Signe: My project is about the constitutional theory of the EU. More specifically, my focus is on the foundations of governmental authority. I ask with what political right the states and citizens of the EU are governed. Initially there was a stronger political-sociological aspect of my project. But now the focus is more on political theory and constitutional theory.

JM: Is there a specific link between your proposal and LSE?

Signe: My background is in political theory mainly, and I wanted to do a study of the EU which was heavily influenced by political theory but had a very strong empirical element in terms of law. I wanted to go a place for my PhD where public law theory was very strong and where EU law studies were very strong. LSE seemed to be the best place.

Dagmar: Among the leading law departments, LSE appears to be more open to a critical approach to law, and to socio-legal as well as interdisciplinary studies, so that was very appealing to me. There are also a number of researchers in other departments here who work on issues faced by Polish migrants.

Sarah: I wanted to be able to do an interdisciplinary project. This is, I think, probably one of the only departments in which I could have done my project. Also, I had done my undergraduate studies in LSE Law. I knew LSE and wanted to stay.

JM: Would you have chosen LSE even if the UK had already left the EU?

Sarah: Yes.

Dagmar: Yes, it's still a great institution and researchers here are top-notch. I find the environment here to do research very supportive. And my research topic focuses on Polish mobility into the UK, so the UK was the obvious place for me to be. So I would have probably come here unless there were no studentships being offered to overseas students.

Signe: I don't know. I was educated in the US, and decided to come to Europe to study Europe. So to go to a country that was not a part of the EU would have been a weird choice.

JM: Which stage of your research was marked by the Brexit referendum?

Dagmar: About half-way through.

Sarah: I was still at an early stage in my research. It was at a key point in my analysis of the case law, but it wasn't late in my research.



left: Sarah Trotter; middle: Signe Rehling Larsen; right: Dagmar Myslinska



Signe: Well, like Sarah and Dagmar, I'm in my third year, so...

JM: In what way has Brexit impacted on your research?

Sarah: The impact was massive! My research was shifting from my original proposal anyway. But Brexit concretised it, because my original research question, about how the idea of the individual is constructed in ECHR and EU fundamental rights law, was no longer the most pressing question in my mind. So I basically dropped the EU law component out of my research entirely. I am now focusing solely on the concept of human rights, based on an analysis of the case law of the European Court of Human Rights and the national constitutional courts of Germany, France, Italy, and Spain.

Dagmar: Brexit helps to contextualise and put a more human face on some of my arguments, and so I'll have to go back to the chapters I've already drafted to add anecdotes, comments, and Brexit-related statistics.

JM: You're not secretly grateful, are you?

Dagmar: It definitely makes my research more relevant, in some ways! Brexit has not changed my overall question or approach to my work. But it has strengthened, I think, some of my arguments. The Leavers' campaign particularly targeted Eastern European migrants, as reflected in the media and mainstream political discourse. This has helped to illustrate and contextualise some of my claims.

JM: Are you in any way affected by funding cuts, or possible funding cuts?

Signe: When I came here and when I became happy being at LSE and in the UK, I was definitely thinking I would love to stay in the UK and do my research here, and I thought it was a fantastic community and very open university atmosphere. And I am concerned that there will be less funding for projects in European constitutional theory because it's probably not going to be perceived as being important anymore.

Dagmar: I'm here as a European national as well. Given my research focus on intra-EU migration to the UK, the UK was definitely of great interest to me to do a post-doc or get a teaching position. I think now, as an overseas person, it might become a little bit more difficult to obtain a position here. Plus, some of the issues I address in my research will obviously become historical in nature.

Sarah: Brexit will affect the whole job market. I think there will be a narrowing in what is funded and there won't be much interest in theoretical work because the focus will be on practical policy research. That is one of my concerns.

JM: How has Brexit been received amongst your cohort?

Dagmar: I think it's decreased the morale of European students here, for sure. After the referendum, a lot of European students started to feel less welcome in the UK.

Signe: Independent of whether the campaign was directed towards us or not, legally speaking, it was. It was about

getting rid of European citizens – that's what we are and it is the legal basis on which we are here. So that is extremely uncomfortable. But it's not something I feel in personal relations because there is not a huge Brexit community at LSE! But definitely it is weird feeling: 'Oh, there is a vote about whether I should be here or not. And people didn't want me to be here'. That's very uncomfortable.

JM: This personal reaction to the referendum vote, is that a common theme amongst people conducting research here at LSE?

All: Yeah, yes. Very much so.

JM: Has LSE said anything to European researchers since the referendum? Has it been supportive?

Signe: Despite being very sad about all this, I do feel that LSE has been extremely supportive since the Brexit referendum. There were very many good emails sent around to European students. LSE has been supportive



in actively stating that we are welcome here and that they very much value us and the contributions made by European citizens here, and that they will do everything they can to make this as unproblematic as they can for us. So, I think that was very comforting and reassuring. I think LSE also offers support to people in terms of applying for citizenships, and counselling, those things. I think it's very good that they do that and I was very happy to receive the emails.

Dagmar: I completely agree. The administrators sent out a lot of very supportive emails assuring us that our status will not change for the remainder of the program. So, that's been really comforting.

JM: Where do you think you will be in a few years' time?

Dagmar: England was definitely one of my top options. It's very easy to feel at home, particularly in London. I'd imagine that there might be fewer opportunities to study Eastern European migration here after Brexit. Moreover, as a third-country national, obtaining a position here will be more difficult, and dealing with immigration requirements will pose additional hurdles. So I will be more inclined to look for opportunities in Europe.

Signe: I would definitely second that. I think my concerns are more that it won't be possible for me to stay due to diminished interest in European studies after Brexit.

Sarah: For many weeks I was thinking about where to flee to... (laughter)

Actually, in terms of my research, I was just thinking of what Signe was saying about constitutional research, but for human rights that's the next thing for the UK. What will happen to the ECHR and the Human Rights Act? I mean, that's what I write about, that's what I research!

JM: It sounds like one by one the pillars of your research are being destroyed by government policy.

Sarah: It does raise the question of the point of it...

PhD Completions

LSE Law students awarded with their PhD in the academic session 2015/16

Jarleth Burke

A market and government failure critique of services of general economic interest: testing the centrality and strictness of Article 106(2) TFEU

Supervisors: Dr Pablo Ibanez Colomo and Dr Andrew Scott

Marie Burton

Calling for Justice: Comparing telephone and face-to-face advice in social welfare legal aid

Supervisors: Professor Linda Mulcahy and Dr Jo Braithwaite

Anna Chadwick

Financial speculation, hunger and the global food crisis: whither regulation

Supervisors: Professor Susan Marks and Professor Andrew Lang

Ailbhe O'Loughlin

Balancing rights? Personality disordered offenders, the public and the promise of rehabilitation

Supervisors: Professor Jill Peay and Dr Peter Ramsay

Anne Saab

Towards a new food regime? Legal inquiries into climate-ready seeds and hunger

Supervisors: Professor Susan Marks and Dr Stephen Humphreys

Orly Stern

The principle of distinction and women in African conflict

Supervisors: Professor Christine Chinkin and Dr Chaloka Beyani

Chieh Wang

Sexuality, gender, justice and law: rethinking normative heterosexuality and sexual justice from the perspectives of queer humanist men and masculinities studies

Supervisors: Professor Hugh Collins and Dr Manolis Melissaris

Susannah Willcox

Climate change inundation and Atoll Island states: implications for human rights, self-determination and statehood

Supervisors: Dr Margot Salomon and Professor Leif Wenar

Elena Zaccaria

Proprietary rights in indirectly held securities: legal risks and future challenges

Supervisors: Professor Michael Bridge and Dr Eva Micheler

The Penal Reform Society: our experience working with offenders

Harriet Lavin, LLB Student

LSE has always been proud of its political activist reputation. However, when I started studying law there was limited discussion from the student body regarding criminal justice. This was despite of a tumultuous period for penal reform with controversial discussions panning out over a media platform nationally. Attempting to fill this void, myself and Phoebe Ward founded the Penal Reform Society – a group dedicated to bringing events and campaigns to students at LSE, covering broadly criminal justice policy and the treatment of offenders.

Mike, who spoke to us in December, was representative of a 'stereotypical' offender. Levels of drug use are high amongst offenders, with highest levels of use found amongst most prolific offenders. 66% of women and 38% of men in prison report committing offences to get money to buy drugs. Nearly half of women in prison report having committed offences to support someone else's drug use. Furthermore, 64% of prisoners reported having used drugs in the four weeks before custody. What is more shocking is the fact that reconviction rates more than double for prisoners who reported using drugs in the four weeks before custody compared with prisoners who had never used drugs. Mike had a crack cocaine addiction from the age of 14. His life quickly spiralled into chaos, continuously burgling houses to

get money to pay for drugs. With 34 criminal convictions, like many other repeat offenders, he was well known to the staff in prison. Mike was asked what his turning point was. For him it was not the repeated spells in prison – he strangely felt safe there. He earned small amounts of money cleaning and was comfortable with both fellow prisoners and officers. For Mike, his lightbulb moment was seeing the most prolific offender he knew turn his life around. This man was back in prison, however now as an employee of a rehabilitation programme. When Mike left prison he joined User Voice, a charity that works to improve the rehabilitation of offenders by using people who have been through the criminal justice system themselves.

As a society part of our aim is to bring in a range of offenders with a variety of backgrounds to their offending. In November we were joined by Joyti Schahhou-Waswani who and Steve Dagworthy, who together stole over £8 million from their employers. Joyti, who was employed as a personal assistant for Goldman Sachs, was sentenced to seven years. Joyti gave an interesting perspective on women's prisons, particularly the levels of illiteracy and drug addiction within the female population. The most difficult part of the conviction for both Steve and Joyti was missing years of their children's lives when behind bars. The sad reality was that many women had their children taken into care when serving short prison sentences. Shockingly, more than double the number of children are affected by parental imprisonment than divorce in the family. It is estimated that in 2010 more than 17,240 children were separated from their mother by imprisonment. Women are often held further away from their families, making visiting difficult and expensive. The average distance is 60 miles, but many are held considerably further away. One can question whether placing these women, who are often highly vulnerable, in prison does society much good. This is especially potent



when we consider 85% of the female prison population have committed non-violent offences. Additionally, over 60% will be spending six months or less in prison. Short sentences have very little proven effects on rehabilitation statistics, but life-long and crippling consequences for employment, reintegration and families.

Campaigning is another important strand of the society, both on and off campus. In Michaelmas term over 2,000 people viewed photos of LSE Students taking part in the Say Her Name campaign. This international campaign was started by LSE visiting Professor Kimberlé Crenshaw. Students held photos of the women of colour killed as a consequence of police brutality in the USA and UK. Our treasurer Ella Baggaley-Simpson also gained £700 of funding from our Student's Union for the final campaign of 2016. A cohort of 40 students joined 2,000 people protesting outside Yarl's Wood, an immigration removal centre in Bedfordshire. As campaigners, we were demanding that the facility, mainly housing women, should be closed immediately. It is estimated that over 400 women are held in the centre, which has been embroiled in a multitude of controversies including sexual assault and mistreatment. Following an inspection last year by the HM inspector of prisons it was

labelled 'rightly a place of national concern'. The UK is the only country in Europe to practice the indefinite detention of asylum seekers. In the aftermath of Brexit, speaking up on the treatment of refugees and asylum seekers seems particularly important, especially when they are withheld indefinitely for no crime. As women held up messages to their bedroom windows, protestors chanted 'no human is illegal'. Many of these asylum seekers are survivors of torture and sufferers of severe post-traumatic stress disorder and other mental health problems. This makes the centres even more harmful, unnecessary and expensive. Notably, many protestors were particularly targeting Serco and their employees. This raises questions in the field as a whole about the role of privatisation and confusing incentives for companies and governments. This is with regard to not only detainees in this example, but our wider criminal justice system.

During Lent Term we also hosted talks on LGBTQ rights in prison, joint enterprise, mentally ill offenders and female offenders. This only scratches the surface of problems in the penal system that seem to be a microcosm of society as a whole.

Pro Bono at the City of London Appeals Clinic

Edward Mak and Jonathan Wong, LLB Students

The City of London Appeals Clinic (COLAC for short) is a pro bono program that deals with potential miscarriages of justice for individuals who have been convicted of an offence. COLAC help individuals make submissions to the Criminal Cases Review Commission, which is a statutory body that has the power to refer cases back to the Court of Appeal. This is often the last resort for individuals who may have been wrongly convicted and denied leave to appeal due to exposure to the weaknesses of the criminal justice system in the UK. Over the two terms, we were assigned to work on two major cases, which were accompanied by lectures from Luke Gittos, a practicing solicitor, that taught us how to identify when a conviction is unsafe and has grounds for appeal.

In LSE, there's often pressure towards a career in commercial or corporate law, but the pro bono experience offered by the City of London Appeals Clinic provided a great opportunity to explore alternative careers in legal aid and criminal law. In contrast to the work experience placements and internships we've had in solicitors' firms, this scheme provided us with much more hands-on work and responsibility. It entailed working on a client's case from start to finish (under the guidance and oversight of solicitors, of course) – from reading through the evidence, to producing summaries and analyses of the case, to suggesting potential grounds of appeal and further avenues of investigation.

It was quite stressful at times – we were often assigned two to three hundred pages of reading to finish in a week, and it was

quite difficult to manage this on top of the reading that we had to do in preparation for class. We would be lying if we said the scheme was all fun and games. Sometimes it would involve staying up late at night trying to decode several hundred pages of police interviews with key witnesses, and we were conscious of the fact that the quality of our submissions and work had important ramifications for some people who would otherwise serve out long sentences.

But it was definitely a rewarding experience – part of what motivated us to continue on with the scheme beyond the six-week introductory program was the knowledge that our work was helping defendants who were convicted due to miscarriages of justice. The scheme also gave us an opportunity to apply some of the knowledge we learned in our first-year criminal law courses. Both cases we worked on involved convictions based on complicity. Consequently, the Supreme Court decision in *R v Jogee* as well as the subsequent Court of Appeal decision in *R v Johnson* played a major role in our work. Applying law that we learned in class to extremely complicated sets of real-world facts beyond the problem questions that our teachers come up with was both an interesting and humbling experience. Furthermore, the experience of volunteering and working on cases helped us develop crucial skills, including time management, communication, and, perhaps most importantly, teamwork. In the later parts of the scheme, we often received over a thousand of pages of reading, and this often involved delegating reading to smaller groups. Furthermore, the best ideas when we were exploring potential grounds of appeal came from different LSE students building on top of each others' ideas and thoughts.

We would definitely recommend volunteering as part of this scheme for those who are interested. Finally, we'd like to thank Luke Gittos (COLAC) and Ryan Stones (PhD candidate) for setting up and organising this scheme, as well as Naina Gupta (first year LLB undergraduate student) for leading the group of volunteers at LSE.

For more information about COLAC, visit
cityoflondonappeals.com

LSE Law Review: the starting years

Wilson Tang, Editor-in-Chief 2016-17 & Founding
Member, LSE Law Review Editorial Board; LLB Student



The LSE Law Review was established by a group of law students at LSE in October 2015. Our goal was to create a fully independent, student-led law journal that would benefit LSE's reputation in the world of legal thinking. We firmly believe in the value of creating a forum where students and academics can share their research and express their viewpoints on some of the most important legal issues around the world, and we are eager to make our mark.

The Starting Year

In *The Republic*, Plato once recorded a dialectic discourse between Adeimantus and Socrates on the subjects of education and the quest of wisdom. The former asked, "Do you not know, then, that the beginning in every task is the chief thing, especially for any creature that is young and

tender?" Looking back on the development of our journal over the past two years, I think this was generally true of the LSE Law Review.

During our first year, we reached a number of milestones: setting up our website, publishing our first letter-to-the-editor, receiving an overwhelming number of submissions, editing the selected works, watching our first volume go to print... all these required much deliberation and teamwork. On 22 March 2016, our book was finally released at our inaugural launch night event. That evening, we invited Cherie Booth CBE QC (LSE LLB 1975) to be our guest of honour, and we were joined by numerous legal representatives, academics, authors, students and members of the public in celebration.

The Second Year

Building upon last year's achievements, we continued to grow as a team this year. In addition to expanding the Editorial Board with a few more positions, one particular change was to institutionalise the roles of "Junior Editors". The primary purpose was to allow these first and second year undergraduates to work with and learn from the more seasoned editors on the board so that they can carry on the vision next year. In terms of sponsorship, we are fortunate



to have received two important grants from LSE Law and the LSE Annual Fund. We have also liaised with more commercial sponsors who recognised our vision and were generous enough to support our cause. In terms of the journal itself, we have slightly revised its format. We are also printing more articles and a significantly greater number of copies this year. All these were done in the hopes of establishing a sustainable infrastructure that will help the journal to grow into what we want it to be in the years to come.

On 14 March 2017, we hosted our second launch night at LSE, and our second volume was released. That evening, we were very pleased to have Professor Andrew Ashworth QC (LSE LLB 1968; LLD 2014 *honoris causa*) as our guest of honour. In his address, Professor Ashworth shared some delightful anecdotes about his time at LSE, and a number of valuable insights about how he found his passion in law. The event was a great success – everyone in attendance had a memorable and enjoyable evening.

At the end of the academic year, we were proud to be nominated for this year's LSE Stars Award for the Most Innovative Campaign, and I was humbled to have been nominated for the LSESU Outstanding Individual Award as Editor-in-Chief of the journal.

Reflections

The beginning of this project, like every other "task", was not an easy one. The tremendous uncertainties, decisions, challenges, concerns and things to do were actually daunting by any standard – just imagine when you also have your studies to manage! At LSE! I think our success thus far is built upon two main factors. The first and most important one is teamwork. How much can one man achieve on his own, no matter how competent he is? I consider it a personal blessing to have worked with and learnt from two teams of wonderfully beautiful and intelligent editors over the past two years, and I think Aristotle was absolutely right to note that, "the whole is greater than the sum of its parts." The second factor is determination, plus the dedication that follows. I believe that if one sets his objective right, with hard work, the seeming impossibilities must give way and everything will naturally fall into place.

The Future

I am proud to have been a part of this project. I remain faithful that the LSE Law Review will become something really great over the years, and I look forward to seeing its growth and success in the future.

Call for Authorship and Sponsorship

The LSE Law Review welcomes submissions from everybody. Our peer-review process is completely anonymous and purely merit-based, and we offer sponsored prize awards to our best submissions in each category. In addition, we are currently putting together a plan for corporate and individual sponsorships in order to secure funding for our 2017/18 volume. If you have an article to submit, if you want to support our project by becoming a sponsor, or if you have an interesting idea to share, please get in touch with us via our website (Iselawreview.com), where you will also find the electronic versions of our past volumes. Please connect with us via social media on Facebook and Twitter [@Iselawreview](https://twitter.com/Iselawreview). We would love your support and we look forward to hearing from you!

Lawyers without Borders: from Brexit to anti-human trafficking in Brazil

Charles Chang, LLB Student



Thanks to the efforts of our team and continued support from the Law Society and LSE Law, the student division of Lawyers without Borders (LWOB) at LSE is happy to report that 2016/17 has been a very successful year; continuing our vision to provide students with greater opportunities to participate in pro bono projects, particularly those centred on rule-of-law issues.

Applications were opened to all students (law and non-law) for positions on the LWOB committee at the end of Michaelmas Term and an overwhelming 36 applications were received for only six positions. We would like to take the opportunity to thank the committee members whose contributions were crucial to the activities of the LWOB: Charles Chang Chin Ter (President), Charmaine Low Rui Qi (Vice-President), Matthew Hogan (Secretary), Laura Antuna Ortega and Phillip Nwaukoni (Internal Events Officers), Mahmoud Elbanhawi (Public Relations Officer), and Eleanor Boiling (External Events Officer).

As the Miller (Article 50) case had recently garnered much attention and publicity, we decided to focus some of our efforts on helping students understand its implications as well as Brexit and its interactions with the rule-of-law. To do so, we organised a talk with Dr Jo Murkens for him to share his views

with interested students and published photo essays of different student views regarding Brexit, both of which can be found on our Facebook page at [facebook.com/LSSELWOB](https://www.facebook.com/LSSELWOB)

We have also compiled a research report on Brazil's recent anti-human trafficking bill and its convergence with the Palermo Protocol to facilitate for the pro-bono efforts of the parent organisation of the LWOB. We were fortunate enough to be able to send two teams to represent LSE in the annual Rule of Law Innovation Convention, both of whom achieved remarkable results and will be able to see their designs and projects incorporated in the wider efforts to combat human trafficking and wildlife crime in Tanzania later on in the year.

Last but not least, we at the LWOB are immensely proud to be able to announce the first ever publication of our very own student journal aimed at raising awareness and fostering discussion regarding the implications of contemporary issues on rule of law issues. Special thanks to Natalie Tsang, whose efforts were invaluable in the creation of the journal. To provide readers with an immersive digitalised experience, we've uploaded the journal online, where it can be read at issuu.com/lse/wob/docs/lwob_journal_final

Thank you very much as well to Dr Jo Murkens and Robert Craig, whose efforts were essential in the growth and function of the LWOB. It is reassuring to know that the student division will be left in the very capable hands of Phillip Nwaukoni who was elected the LWOB officer of the Law Society and shall take over as President of the LWOB student division for the academic year 2017/18.

LLB, LLM and MSc Prizes

LLB Prizes 2016/17 Intermediate

Charltons Prize

Best performance in the Intermediate Year

Jie Nai

Dechert Prize

Introduction to the Legal System

Sam Ottley

Dechert Prize

Property I

Konrad Stilin

Hogan Lovells Prize

Obligations & Property I

Edward Mak

Hughes Parry Prize

Contract Law / Law of Obligations

Chun Shin Yau

John Griffith Prize

Public Law

Louis Flood

Shun Him Yau

Nicola Lacey Prize

Criminal Law

Victoria Seow

Part I

Herbert Smith Freehills LLP Prize

Best performance in Part I

Rui Low

Morris Finer Memorial Prize

Family Law

Priscilla Goh

Slaughter & May LLP Prize

Best performance in Part I

Ruihan Liu

Part II

Slaughter & May LLP Prize

Best performance in Part II

Sarah Ku

Lecturer's Prize

Jurisprudence

Samuel Ley

LSE Law Prize

Best dissertation

Cristian Tsang

Intermediate and Part II

Sweet & Maxwell Prize

Best performance

King Chan

Part I and Part II

Blackstone Chambers Prize

Human Rights

Amber Edwards

Blackstone Chambers Prize

Law and Institutions of the European Union

Hannah Hinzmann

Clifford Chance Prize

Property II

Usman Malik

Hogan Lovells Prize in Business Associations

Chin Ter Chang

Declan Ng

Yee Sun Tang

Lauterpacht/Higgins Prize

Public International Law

Ruihan Liu

Linklaters LLP Prize

Commercial Contracts

Rui Low

Mike Redmayne Prize

Law of Evidence

Wilson Tang

Old Square Chambers Prize

Labour Law

Emma Bullen

Pump Court Tax Chambers Prize

Taxation

Segolene Lapeyre

Slaughter & May LLP Prize

Best overall degree performance

Sarah Ku

LLM Prizes 2015/16

Blackstone Chambers Prize

Commercial Law

Thomas Dean

Blackstone Chambers Prize

Public International Law

Nicholas Michael Petrie

Laura Devine Prize

Human Rights

Camilla Frances Alonzo

Lawyers Alumni Prize

Best Overall Mark

Alexia Nadia Staker

Otto Kahn Freund Prize

Labour, Family, Conflict of Laws, Comparative, European Law

Stephanie Clare Needleman

Pump Court Prize

Taxation

Bruno Vanden Bergh

Stanley De Smith Prize

Public Law

Jan Jacek Zeber

Valentin Ribet Prize

Corporate Crime

Lewis Owen

Wolf Theiss Prize

Corporate and Securities Law

Martin Chun Ngai Li

MSc Law and Accounting Prize 2015/16

Herbert Smith Freehills Prize

Maximilian Schmidl

The LSE External Mooting Team: a new structure for self-sufficiency

Daniel Jeremy and Ségolène Lapeyre, LLB Students, and Sarah Lee, Undergraduate Programmes Service Delivery Manager

The LSE External Mooting Team (EMT), which represents LSE at national moots, finishes a busy competition year as the most successful Team in the history of the School.

Key to this success was diversity of membership and a new team structure. Contrary to previous years, this year's EMT included three types of members: mooting, judge, and administrative. "I wanted to construct a team that reflected LSE's strengths," comments Ségolène Lapeyre, who captained the EMT as the Law Society's Mistress of the Moots. "The team I envisioned included students from the LLB and LLM programmes with a diversity of legal interests who are passionate about mooting, training, and promoting team spirit." Thirteen mooting members successfully completed the Michaelmas trials. Added to the Team were four administrative members (first year LLBs) and thirteen judge members (LLMs). "Working as a judge on the EMT provided me with a unique opportunity to share my experience as a qualified American lawyer and learn more about interesting UK legal issues," says Bradley Raboin (LLM).

Driving this new structure was training self-sufficiency. Without an LSE advocacy course, and to avoid relying on busy barristers, the team prepared for competitions with a new form of training: "practice submissions." These were held in the Moot Court Room and mimicked real submissions – lectern and gowns included. The judge members played an important role: often barred from competing in moots due to their legal experience – some had completed the BPTC or LPC, while others had practised law internationally – the judges led hour-long practice submissions with the mooters at least once before each competition round. "The practice

submissions were very helpful," remarks Martin Bontea (2nd year LLB). The judge feedback "identified our weaknesses and highlighted our strengths. We then were able to address this criticism and it made our real submission more polished and convincing."

This year, the Team entered fifteen competitions. After competing in the Landmark Chambers Property Law Mooting Competition, the Team secured its first win in the first round of the OUP and BPP National Mooting Competition against University of Derby. In early December, Daniel Jeremy (3rd year LLB) and Ségolène Lapeyre (2nd year LLB) defeated the defending (and hosting) champions, Queen's University Belfast, in the first round of UKLSA National Mooting Competition. On the same day, Charles Bishop (LLM) and John Larkin (LLM) defeated University of Warwick in the finals of the University of Leicester Medical Law Mooting Competition. This was the first time that an LSE team had won an external moot. Most astonishing, however, was that neither Charles nor John had studied medical law!

Michaelmas ended with two more excellent performances. LSE tied King's College London in the first round of the London Mooting League judged by Dr Emmanuel Melissaris. Two days later, LSE soundly defeated Open University in the first round of the ESU-Essex Court Chambers National Mooting Competition, judged by Ms Aysha Ahmad (LSE alum) of 42 Bedford Row.

Lent term proved just as busy. After reaching the quarter-finals of the prestigious Inner Temple Inter-Varsity Moot, the Team was thrilled when judge members Khavi Chetty (LLM) and Robert Wilcox (LLM) proceeded to the oral rounds of the UKELA Lord Slynn of Hadley Competition. Charles Bishop's (LLM) advocacy impressed at the ELSA/ECHR Competition in Strasbourg, where he won the prize for Best Orator in the Preliminary Round. The Team's second overall win was



top left: Bristol Intersvarsity Mooting Competition; top right: Ségolène Lapeyre; bottom: Leicester Medical Moot

secured by Charles Chang (2nd year LLB) and Celine Honey at the Bristol Intersvarsity Mooting Competition.

In Lent term, the Team shifted focus to continuity. "As the year came to an end, I knew that the Team needed to appeal to first years and encourage them to try external mooting," says Ségolène. "It was important for the Team's legacy that the novice team of the LSE-UCL and LSE-KCL 'friendlies' be composed of first year law students, who would be mentored by EMT members." The two best performers of the (internal) practice moots competed in the LSE-UCL Commercial Law Moot. For the LSE-KCL Intellectual Property Moot (hosted at LSE), the HSF runners-up tackled Professor Andrew Murray's thorny moot problem, while the advanced teams held their own in front of Sir Robin Jacob, former Court of Appeal Judge and current Sir Hugh Laddie Chair in Intellectual Property at UCL.

This Team's success includes not only the awards and trophies picked up throughout the year, but also the accomplishments of all Team members in building up the EMT and its legacy. The new Team structure brought together students at all levels of legal study in a friendly and supportive atmosphere. Rigorous practice submissions ensured LSE won every first round of its competitions – a remarkable feat in comparison to previous years. Lastly, the administrative members' support with social media coverage increased the Team's visibility to students and faculty alike; this contributed to the Law Society's nomination for Best Society for Aspiring Barristers. Altogether, these accomplishments contribute to the EMT's legacy as the largest, busiest, and most successful Mooting Team in the history of LSE.

Helen Reece Memorial Moot Court Competition

Sarah Lee, Undergraduate Programmes Service Delivery Manager



Following the death of our teacher and colleague Helen Reece, considerable discussion took place about how to best honour her legacy. Given her significant contribution to the field of Family Law, the idea of a moot competition was proposed by Law Society Mistress of the Moots, Ségolène Lapeyre. While there are a large number of moot competitions each year, this is one area of law which is currently neglected, and it was felt that Helen would approve of her work being honoured by providing an opportunity for intellectual engagement by law students.



With financial support provided by LSE Law and the Modern Law Review, and organisational support provided by Sarah Lee, Ségolène pulled the competition together in an extremely tight timeframe, allowing it to be held in the Shaw Library on 10 March 2017.

Queen Mary University, University College London, Birkbeck University of London and LSE submitted a team each to participate in the moot, which saw Sir Ross Cranston taking on the role of judge and Professor Emily Jackson chairing. The participation of these teams was particularly appropriate given that, in addition to working at both LSE and Birkbeck, Helen studied at UCL and was also a student union representative there.

The moot team from Birkbeck, when discussing her contribution to their Law School, commented that “with the added dimension of critical thinking, Helen encouraged her students to think beyond the confines of statute and case, and to delve into the deeper, underpinning social and ideological structures of law.”

In a similar vein, UCL paid tribute to Helen’s “extraordinary legal mind” and the way that “she brought visionary perspectives to the sphere of family law, and remained wholly unafraid of attracting controversy.”

The competition provided an opportunity for these four teams to debate two different family law moot problems before allowing them to engage with academics and fellow students at the drinks reception which followed.

In the competition programme, Professor Jeremy Horder stated that “no one better exemplified the great legal tradition of fierce and fearless but civilised argument than Helen Reece.” Surely there is no better way to celebrate her work than by providing the opportunity for our students to follow in her footsteps.

Jessup news

Lloyd Meng, LLM Student

This year, LSE received fantastic results in the Philip C Jessup International Law Moot Court Competition. The team was comprised of three LLM students, Daria Untova, Pascale Arguinarena, and Benedict Tse, along with an LLB student, Sapna Jain. The team was coached by LLM student Lloyd Meng.

The team went far in the UK regional rounds of the competition, making it to the elimination rounds. The team ranked 4th out of 15 teams after the round robin stage, and was eliminated in the semi-final in an extremely close round by the eventual champions, Kings College London. Alongside the impressive performance in the general rounds, the team was awarded 2nd place for its Respondent Memorandum. Oralist Daria Untova was awarded 5th Best Oralist in the competition out of a field of 50, including representatives from the University of Oxford, the University of Cambridge, as well as representatives from the various Inns of Court located in London.

The team’s results were particularly impressive given the fact that three of the four participants had little to no prior moot experience. To compensate for this, the team met for scheduled practices throughout the year which lasted between a combined 6-12 hours per week. Additionally, the team members spent significant time outside of the scheduled practices to draft and edit the memoranda, as well as prepare their oral submissions for the competition.

The team would like to give its thanks to those members of faculty who dedicated their time outside of their teaching obligations to guest judge practice rounds. In particular, the team would like to extend its gratitude to Chris Thomas and Dr Veerle Heyvaert, who were instrumental in helping the team finalise its oral submissions prior to the competition.



Who are we? Hate, hostility and human rights in a post-Brexit world

Bernard Keenan, PhD candidate

For Martha Spurrier, human rights are, at bottom, the same thing as morals, or ethics, or principles. It doesn't matter so much what you call it. What really matters is that underneath human rights legislation and caselaw lie a common sense of goodness, decency and compassion, and it is to these basic principles that human rights law provides a voice. Speaking at LSE in October 2016, her first appearance here since becoming Director of Liberty in May 2016, Spurrier argued that this is the way to think of human rights, and a way to frame them as a positive basis for political community in Britain.

While every lawyer can list the theoretical values of human rights in their legal form – that they protect individuals from an overweening state, promote core democratic values, that great legal minds drafted them after the twentieth century's horrors of war and genocide, that they have been developed and scrutinised by judges – these reasons are not Spurrier's primary way of thinking about human rights, nor for trying to persuade sceptics as to why they should be protected and valued. Instead, the starting point is something instinctive that you don't need to be an expert, or a victim, or a lawyer, or a politician to understand.

Citing a 'cellular understanding' of justice that she encountered in all her clients while practicing law at Doughty Street Chambers, human rights find their basis in the instinct for fairness and inclusion that is common to everyone, including every detainee, prisoner, or grieving family she encountered as a barrister. She spoke movingly of one inquest that followed the suicide of a teenage girl who was, at the time, under the care of a mental health ward. The hospital had promised her family a full investigation, but the family did not think that the same people who had failed their daughter should be left to investigate the truth. Human rights law agreed, requiring that the family be independently represented at an inquest to provide a full exploration of the failures that led to the girl's death. The hospital had a human rights based obligation to keep vulnerable people from harm, and the family had a human right to find the truth. In times of distress, people want justice, and human rights provide the path towards it.

In recent years, other narratives about who 'we' are in Britain have gained traction, drawing a clear line between government policies and rhetoric in recent years and the subsequent spike in hate crime against people of colour and foreign nationals. Spurrier is clear that this is no coincidence. Politicians playing fast and loose with human rights are gravely irresponsible, and we are already feeling the consequences of both their rhetoric and policies. Hate crimes and acts of terrorism rose before and since the EU referendum of June 2016, usually called for obliquely by politicians under the dubious guise of 'British values', which are counterpoised against a rhetorical demonisation of the other. In particular, she focused on anti-immigrant rhetoric about 'floods' and 'swarms' of migrants, xenophobic language from British government ministers that has been internationally condemned by the UN.



The point with immigration is not about the 'right' number of migrants, but rather about how we talk about migrants, and how we treat those people who have migrated here. If people think immigration is 'out of control', it is directly related to successive government policies of promising to lower immigration to unrealistically low targets, figures that were subsequently and inevitably breached. At the same time, the Home Office, led by Theresa May between 2010 and 2016, passed legislation to make it an offence to do practically anything while not holding valid immigration status. This was actually named the 'hostile environment' policy. Faced with a 187% spike in hate crime against those perceived to be migrants in summer 2016, the new Home Secretary Amber Rudd actually condemned the 'climate of hostility' towards people of other nationalities. As Martha Spurrier put it, you reap what you sow. The government set the conditions for racist and xenophobic attacks.

Spurrier's greatest scorn was aimed at the immigration detention estate. Around 31,000 people are detained each year for mere administrative convenience. They are not criminals and their detention is not judicially authorised. They are held simply on the decision of the Home Office. This includes asylum seekers, victims of rape, of trafficking, pregnant women, and people with severe mental health problems. The conditions are appalling, with at least six cases in recent years finding that treatment of detainees in the detention centres had violated article 3 of the European Convention on Human Rights – that is, they were subjected to inhuman or degrading treatment. In no other area of government would such treatment be tolerated, or go practically unreported on in the mass media, and in no other area of law would openly racist submissions be made by government barristers, such as the submission made in one case claiming that a Nigerian detainee, who was so mentally unwell that he sat naked in his cell drinking water from the

toilet, was simply behaving normally by Nigerian standards. This was 'a racist submission, and the Government should be ashamed'.

There is no reason that human rights, dignity and fairness need get in the way of the collective interests of society that government is there to protect. Counter to what the now-Prime Minister has repeatedly stated, human rights do not stand in the way of good policing, counter-terrorism, military effectiveness, or immigration control. Rather, the attempt to stoke up xenophobic forms of nationalism and to deliberately divide people against an imaginary threat from outside is what precisely puts the Human Rights Act at stake, because it stands for the opposite of all these things. Presented instead as a simple treatise that brings considerations of fairness and compassion into legal decision-making, and most people instinctively agree that it should not be abolished, but protected. The foundation of human rights, for Liberty's new director, lies not in any abstract legal or philosophical arguments, but in an affective mode of imagination, because 'we are principled and compassionate people'.

At a rhetorical level then, human rights provides an antidote to forms of particularism that select different marginal groups for victimisation and blame, and instead promote an idea of universalism and inclusion that forms a better starting point for imagining who 'we' are and what 'we' might become in the future. This is, of course, not an approach that offers much guidance in terms of the details of human rights cases, which occasionally involve compromise. As a campaigning strategy though, the emphasis on human values and horizontal sense of compassion and solidarity articulated through human rights claims is a powerful one.

The event podcast and video can be accessed at bit.ly/LSESpurrier



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When the people “speak”, what do they say? The meaning and boundaries of the ‘popular mandate’

Dr Emmanuel Melissaris, Associate Professor of Law

There is an assumption that when the people express their will through elections – be that a general election or a referendum – they do so in a coherent, uniform way. It is taken for granted that the multitude of different views are merged in one voice and one message, one ‘mandate’. This assumption often emboldens politicians and feeds political rhetoric. For example, many triumphantly declared that “the people have spoken” after the United Kingdom European Union membership referendum in June 2016.

However, how this reduction of the many to one exactly happens is far from clear. Consider the EU referendum again. ‘Brexit means Brexit’, according to the trivial mantra, but what does Brexit mean? The disagreement on this still is staggering.

This leaves us with some pressing questions. Can the popular mandate be measured? Are there some second-order moral, political or, indeed, legal principles determining and defining popular mandate? Under what duties are those implementing the mandate?

These are just a few of the questions which we tried to explore at the public event on 1 November 2016: ‘When the People Speak, What Do They Say? The Meaning and Limits of the Popular Mandate.’ Our guests approached the question from a variety of angles: political philosophy, political science, law, and frontline politics.

Katrin Flikschuh, Professor of Political Theory at the LSE Department of Government, offered some reflections on a number of conceptually related points. First, if people do

not mean what they express with their vote (either because their motivation was skewed or because of lack of accurate information), then there is a substantive problem with the outcome – it is not a genuine expression of the people’s will. If one takes a purely institutional-procedural view, however, then all that matters is that there is a recorded surface outcome. Secondly, Katrin expressed her scepticism as to if there ever is a “people”, that is whether a multitude is ever reduced to a unity. In the case of the EU referendum, Katrin argued that it is best seen as a matter of an aggregate of disparate private interests (however genuine) converging on the same surface outcome.

John Curtice, a leading polling expert, Professor of Politics at the University of Strathclyde, and Senior Research Fellow at the National Centre for Social Research, began by drawing a distinction between a personal mandate – only those who won the election have the authority to govern – and a policy one – those given the mandate must govern according to it (an idea animating the Salisbury convention according to which the House of Lords may not block a policy that was



Professor Sionaidh Douglas-Scott



left: Professor Katrin Flikschuh; Professor John Curtice

included in the governing party's manifesto), and argued that in parliamentary, representative democracies we can only speak of policy mandates. Even so, however, it is very difficult to identify a coherent, uniform mandate not least because voters are motivated in a variety of ways and the implementation of party pledges is subject to a large number of other factors (this applies to referenda as well).

Sionaidh Douglas-Scott, who holds the Anniversary Chair in Law at Queen Mary University of London School of Law, focused on the EU referendum. On the assumption that the UK constitutional system is based on a combination of representative and parliamentary democracy, Sionaidh argued that the constitutional place of referenda is rather hazy. She then went on to address three questions. First, what does the vote to leave the EU require? Secondly, what are the implications of the referendum in relation to democracy and what bearing does the case of Scotland have on this? Thirdly, can the referendum legitimate a loss of rights as a result of leaving the EU?

Dominic Grieve has been MP for Beaconsfield since 1997. Amongst the many offices that he has held, he was

Shadow Attorney General from 2003-09. Dominic doubted that the UK constitution accommodates the idea of direct popular sovereignty. Limited as it may be, parliamentary sovereignty is foundational. Referenda are therefore purely advisory but, at the same time, they are substantively important because they express a political will of the people and it would be a rather dangerous course of action for parliament or government to ignore them. The upshot of this is that the terms of the exit from the EU must be subject to parliamentary authorisation and scrutiny rather than government relying on a "popular mandate".

Much has happened since LSE Law hosted the debate – the UK has delivered the notice of withdrawal to the EU, a general election resulted in a hung parliament and a minority government – but the points made by our panel are still pertinent and pressing. It is therefore worth watching the full event on the LSE Law YouTube channel.

The event video can be accessed at bit.ly/LSEMandate



Lawyers' Alumni Group

The LSE Lawyers' Alumni Group comprises alumni of the School who studied law at LSE and/or practise or have an interest in law having studied another subject at LSE.

The group provides a forum for discussion at a variety of events throughout the year, offers opportunities for professional networking and encourages active alumni support for the School.

The Group has forged strong links with LSE Law and holds a number of events during the academic year including guest lectures, social events, and other opportunities for current students, Department staff and alumni to meet and network.

How to get involved

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

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

You can also join us on LinkedIn at linkedin.com/groups/3713836



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 on hiring the Moot Court Room at competitive rates, please email event.services@lse.ac.uk or call:

020 7955 7087

Human Rights after Brexit: Still on Fantasy Island?

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Dr Paul Daly, University Senior Lecturer in Public Law, University of Cambridge and the Derek Bowett Fellow in Law at Queens' College, Cambridge

The concerns that drove Professor Conor Gearty to conceive of and write *On Fantasy Island: Britain, Europe and Human Rights* (Oxford University Press, 2016) seemed by the time of the book launch almost trivial by comparison to the post-Brexit challenges facing the United Kingdom. *On Fantasy Island* mounts a defence of the legitimacy of the Human Rights Act – the UK's system for protecting the fundamental rights (such as freedom of expression and respect for private and family life) set out in the European Convention on Human Rights – in the teeth of misguided political and popular attacks on the Act, attacks typically based on romantic, fantastic notions about the past glories of the common law.

While the book was in press, however, a set of more dangerous fantasies took hold of the British body politic. After a campaign marked by misinformation, scaremongering and lies (on, let it be said, both sides), and, on the Leave side by a set of fantasies about Britain's place in the world, a majority of the UK electorate voted in a referendum in June 2016 to depart from the European Union.

When it appeared in print three months later, *On Fantasy Island* was not just, as planned, a book about popular and political ignorance about human rights. Instead, it tells a

deeper tale of how the British public and political class are deeply ignorant of the institutions and laws that comprise the EU, distracted by fantasies of a "Global Britain" that, unshackled from the European project and unbound from its red tape, will rise once again to stand dominant astride the oceans.

The dramatic change in circumstances was not lost on the speakers at the launch event (Professor Gearty, Professor Sionaidh Douglas-Scott and Professor Steve Peers), or the members of the audience who crowded into a packed auditorium at LSE. Those in the room expected not only to learn about the Human Rights Act – and the fantasies that accompany it – but about Britain's relationship with Europe – and reality – more generally. And so they did: each of the three speakers drew out the comparisons between the campaigns against the Human Rights Act and the European Union.

Indeed, as Professor Gearty put it, the attack on the Human Rights Act, which he traced to the middle of the 2000s and the European Court of Human Rights' decision on prisoner voting in *Hirst v UK*, was a "proxy" for an attack on the EU, deemed, back then, to be too powerful to take on. The Human Rights Act could be identified with "Europe" because, although it is a creation of Parliament, it incorporates a set of "European" rights into domestic law (although many if not most of these mirror rights are already recognised by the common law).

Beyond that, Professor Gearty identified three other common themes. First, the loud voices raised in opposition to Parliament and the courts having a say in the process of Brexit are "parts of the human rights story" but also "part of something larger", a hostility to European influence and a steadfast belief in British exceptionalism.

Second, one of the most insidious aspects of the referendum campaign – its "data free" nature – was also a feature of the campaign against the Human Rights Act, which proceeded on the basis of serial misinformation provided to the public by



politicians and the media. Experts from legal practice and the academy have combated the campaign of misinformation – but Professor Gearty recalled Michael Gove's suggestion, made during the referendum campaign and to some extent vindicated by the referendum result, that "the people of this country have had enough of experts".

Third, in attempts to repeal the Human Rights Act and to accomplish Brexit, fantasy and fact collide with brutal and inevitable regularity. Fantasies aside, the fact is that doing away with the Human Rights Act and replacing it with a "British" Bill of Rights would either be a symbolic gesture which would change little or nothing (because the UK would remain a signatory to the European Convention on Human Rights) or a radical move (repealing the Human Rights Act and withdrawing from the Convention) which would mean that citizens of Russia, a signatory to the Convention, would enjoy a greater range of rights than their British counterparts. Meanwhile, the fantasy of a "Global Britain" has already confronted the brute fact that as an isolated island nation,

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Britain will need to strike hundreds of post-Brexit trade deals merely to grasp desperately at the status quo, because on its departure from the EU the UK will become a 'third country' no longer bound by the agreements struck on its behalf since its entry into the European Economic Community.

For Professor Gearty, the upshot is that it is now "open season" on rights and all things European, a dangerous moment for those UK residents who enjoy rights derived from EU law. But he nonetheless was able to strike an optimistic note in conclusion, or at least, to explain what can be done in response. It will be necessary, he told the audience, to "hold the line" on the fundamental values of social democracy, rights among them, their provenance – European or otherwise – be damned. There will be struggles ahead, in which facts will have to counter fantasy, again and again, lest the residents of Great Britain find themselves cast adrift *On Fantasy Island*.

The event video and podcast can be accessed at bit.ly/LSEGearty

Competition and the regulation of the legal services market

Dr Niamh Dunne, Assistant Professor of Law

Law is big business. While, for those of us who teach or study in law schools, the law provides a challenging yet rewarding *academic* discipline, the legal profession is naturally dominated by the *practice* of law, whether as solicitor or barrister, working in private practice, in-house or in government service. It is also a lucrative business, with the legal services sector in the United Kingdom generating about £25 billion annually. Regulatory developments in recent years, in particular passage of the Legal Services Act 2007, have moreover seen the gradual liberalisation and opening-up of the legal profession in England and Wales, including the introduction of alternative entry pathways, a relaxation of restrictions on modes of practice, and a strengthening of regulatory oversight with the creation of the independent Legal Services Board.

Although generating increased competition, with its attendant promise of improved 'value for money,' is not the sole socially-valuable imperative in the context of legal services, it has been a primary driver of these reforms. Indeed, the terms of reference of the influential Clementi Review, which prefigured the 2007 Act, were explicitly pitched in terms of a need to "promote competition,

innovation and the public and consumer interest in an efficient, effective and independent legal sector". Yet, almost a decade on from the restructuring of the profession, there remain concerns that competition is not yet working well in the legal services sector, including issues with respect to the coverage, affordability and quality of services provided, as well as consumer engagement levels. Over the course of 2016, the UK's Competition and Markets Authority (CMA) accordingly conducted a market study into legal services in England and Wales, focusing specifically on the purchasing experiences of individual consumers and small businesses. The study resulted in a comprehensive final report, published in December 2016, and discussed during a lively LSE Public Event in January 2017, chaired by Interim Director of LSE, Professor Julia Black.

The event opened with an illuminating presentation from Rachel Merelie, Acting Executive Director at the CMA, who presented the report's major findings and recommendations. The consumer and small business legal services sector runs the gamut from probate and divorce services for individuals to employment and commercial law services for SMEs. The primary barrier to effective consumer engagement in this sector, the CMA concluded, is that consumers lack the experience and information they need to find their way around the market: meaning that consumers are both unable and unwilling to 'shop around' to get the best deal. To address the fundamental asymmetries that exist, the CMA proposed a series of transparency remedies, intended to equip consumers with the tools to identify their legal needs, and thus the confidence to engage in a more robust manner when purchasing such services. These include minimum disclosure standards for providers with respect to key competitive factors such as price and service quality; greater access to online recommendations and reviews ('TripAdvisor for lawyers'); greater availability of data currently held by regulators; and development and promotion of the existing Legal Choices website. Although the market study did not uncover pressing competition problems with



Rachel Merelie

respect to service provision by unauthorised providers or the existing regulatory framework, the final report contains various recommendations regarding future development of the regulatory framework as well as efforts to pre-empt problems that might arise as competition increases in the sector.

The discussants that followed each addressed distinct elements of the report's conclusions and proposed remedies. Robert Bourns, President of the Law Society, focused on the elusive notion of value in the context of legal services. He emphasised the vulnerability of many consumers covered by the report's ambit, often purchasing services at times of great personal stress – bereavement, family breakdown etc. – and the consequent need to protect the trustworthiness and implicit quality standard of the 'solicitor brand'. Whilst explicitly rejecting the desirability of ossifying the market, he argued that promotion of competition should not come at the expense of lower protection for vulnerable individuals against exploitation. Instead, he argued strongly for improved public legal education, to assist consumers in making informed choices in accessing services.

Paul Philip, Chief Executive of the Solicitors Regulation Authority, took a different tack, openly acknowledging the extent to which the interests of the legal profession are often fundamentally at odds with those of its consumers. He thus argued that increased competition is needed to ensure that businesses pass on the gains of an open marketplace. He focused on the benefits that liberalisation can and has generated, discussing the introduction of alternative business structures, abolition of the multidisciplinary partnership and separate business rules, and proposals to allow solicitors to work in unauthorised businesses. Deregulation admittedly comes at a price in terms of lower levels of protection for some consumers, but brings with it significant benefits in terms of lowering the costs of the regulatory burden for legal services firms – cost savings that would then, ideally, be passed on to consumers. Ultimately, he argued, increased affordability means increased access to legal services, even if quality is lower at the margins.

My own remarks covered a heterogeneous range of issues, including the implications for legal education and the extent to which restrictions on competition might in fact inhibit innovation in this context. Speaking as a competition lawyer, I was struck by the decidedly contrary portrait of the individual legal consumer emerging from the report: a consumer

apparently immune to practically all efforts to encourage him- or herself to engage more vigorously with the marketplace. It thus remains to be seen whether the innovative remedies proposed by the CMA will provide an effective solution to this otherwise intractable problem.

The questions that followed covered an expansive range of issues, from innovation to civil legal aid, and from quality control to the extent to which consumer behaviour can be guided by external mechanisms. The debate demonstrated, moreover, the extent to which the issues at stake transcend both the realm of market competition and the legal services context. On the one hand, a well-functioning market for legal services is more than simply a question of *rappport qualité-prix*: the availability of affordable, dependable legal representation links to larger questions of access to justice, participation in civil society and equal treatment. On the other, the dilemma of consumer engagement, and specifically the thorny question of whether and how competition policymakers might effectively 'force' consumers to act in a more rational, self-interested manner, arises in many markets, so that the success or otherwise of the proposed remedies will be followed with interest. Ultimately, the discussion demonstrated that, although in many ways law is a business like any other, certain important aspects of the business of law are quite unlike any other, thus raising complex yet fascinating challenges with respect to the optimal balance between competition, regulation and indeed perhaps even public provision in this context.

The event video and podcast can be accessed at bit.ly/LSELegalServices



top: Professor Julia Black and Paul Philip; bottom (l-r): Professor Julia Black, Paul Philip, Robert Bourns, Dr Niamh Dunne, Rachel Merelie

Ordinary People on an Extraordinary Journey: 'The Itinerary' photography exhibition

Dr Emmanuel Melissaris, Associate Professor of Law

Over the past few years and with conflicts waging in the Middle East, especially in Syria and Iraq, hundreds of thousands of displaced people have sought safety in Europe. Many thousands of them perished in the Mediterranean and Aegean Seas or in treacherous paths in the Balkans.

In 2016 the European Union struck an agreement, which has been almost universally condemned on legal and moral grounds (its legal status is rather hazy – it comes in the form of a "statement") with Turkey according to which all new irregular migrants crossing from Turkey to the Greek islands will be returned to Turkey. This, in combination with the fact that many Northern European and Balkan states hermetically closed their borders, stemmed the flow of people from Turkey to Greece through the Aegean. As a result, the refugee crisis fell off the radar in the UK. What with the EU referendum and the subsequent political mayhem the media largely lost interest.

But make no mistake: there still is a crisis. People might not be crossing the Aegean Sea any longer, at least not in the staggering numbers of 2015, but they still try to flee their countries risking and losing their lives along the way, now crossing to safety mostly from Libya to Italy. Those who are stranded in Greece and Italy live in appalling conditions.

Minors, many of them unaccompanied, are at even greater risk; there are reports of a sex tourism industry developing that targets them.

Eleven photojournalists have been following the trek of displaced people from their point of origin – the Middle East and Sub-Saharan Africa – into Europe through the various stopover sites in Greece and the Balkans. They combined their work in an exhibition, entitled "The Itinerary: Tracing the Refugee Routes", which was hosted by LSE Law in the Old Building Atrium Gallery from 12 – 30 June 2017. The photographs in this exhibition document the refugees' unimaginable struggles on their way to safety but also their simple, routine, everyday activities and small moments of joy.

Bridging some of the distance between refugees and us, the photographs reminded us that these are ordinary people on an extraordinary journey; that this is not their predicament but ours, for we are all part of the same community; a community grounded in solidarity. At the same time, the photographs made the viewer party to the experience and perspective of these eleven eyewitnesses to a great humanitarian disaster.

The opening event on 12 June, with introductions by Emmanuel Melissaris and two of the photographers, Dimitrios Bouras and Louisa Gouliamaki, was very well attended. Guests, who also had the chance to discuss with the photographers as well as with members of NGOs and others with first-hand experience of the refugee crisis,



seemed to be moved and motivated by what they saw and heard.

LSE Law was also delighted to team up with Mike's Table for the exhibition opening event dinner. Named after our late colleague Mike Redmayne (1967-2015), Professor of Law at LSE, Mike's Table hosts pop-up supper clubs. Three-course meals are devised and prepared on the night, using donated food that would otherwise go to waste. Mike's Table is a non-profit social enterprise. The supper club ticket funds

the same restaurant experience for someone else, for free. We are grateful to LSE Catering for very kindly supporting hosting Mike's Table at the School.

More information on the exhibition is available at theitineraryexhibition.com

For more details about Mike's Table, visit mikes-table.org

LSE Short Course on Financial Services and Markets Regulation

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LSE's renowned 'Short Course on Financial Services and Markets Regulation' is a one week executive education course, with sessions running in April and October 2018. Past participants include legal practitioners from the UK, EU and overseas, LSE Law alumni, and UK and international regulators.

This Short Course offers a cutting-edge review of key contemporary issues in financial services and markets regulation. The aims are to provide a contextual understanding of regulatory provisions and of recent changes; to review fundamentals; and to develop a critical analysis of regulatory developments. Over the course of the week, participants will develop a thematic understanding of the landscape of financial regulation which would facilitate strategic decision-making by financial institutions, legal advisors and regulators.

The issues covered on this course are topical, but recent courses have included sessions on the following topics: reforming global, national and EU structures of financial



regulation in the wake of the crisis; financial stability and how to address the 'too big to fail, too interconnected to fail' problem; bank resolution; the regulation of investment funds; OTC derivatives including CCPs and clearing; the role of gatekeepers; client protection including client money; financial crime and corporate governance of banks and the role of NEDs; risk management within financial institutions; and the balance between the roles of governments and markets in regulating the financial system.

The course is led by Dr Jo Braithwaite, Associate Professor of international commercial finance law at LSE, and is taught by a highly experienced group of academics from LSE Law, and by practitioners with first-hand experience. Each of the five days of the course is structured over four or five sessions, and an indicative schedule is available on the course's website. The breaks and group lunches allow participants to network with one another, as well as the teaching team.

The course is suitable for:

- UK, EU and overseas lawyers and regulators with experience in the markets who are seeking to update or broaden knowledge
- Those moving into positions which require a greater familiarity with the key requirements of financial regulation, e.g. into significant influence functions or different areas of practice;
- Regulators seeking the opportunity to gain a deeper evaluation of key issues
- Regulators and practitioners from outside the UK/EU seeking to contextualise changes at the global level and broaden their knowledge of the EU and UK regulatory landscape.

For further details, including about the teaching team and an indicative schedule please visit:

lse.ac.uk/collections/law/projects/lfm/short_course/sc.htm

For any queries about the course please contact:

Amanda Tinnams
Course Administrator
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Dr Jo Braithwaite
Course Director
J.P.Braithwaite@lse.ac.uk



A few weeks before she died, Helen was due to give a staff seminar in LSE Law's weekly Wednesday lunchtime seminar series. The paper she was intending to discuss was her last published paper – 'Was there, is there and should there be a presumption against deviant parents?' – which appears in the 2017 volume of the Child and Family Law Quarterly. Helen was too unwell to come in to LSE to give her paper, and so, when we were contemplating how best to commemorate Helen's extraordinary contribution to the field of family law, it seemed appropriate to hold an academic seminar to discuss Helen's paper.

The responses we had to invitations to this event were a testament to the high regard in which Helen was held. All of the speakers responded positively, usually within a few minutes, saying what an honour it would be to take part. The guest list read like a roll call of the most eminent and interesting family law scholars.

Helen's paper was circulated to all attendees in advance, and, to start off the discussion, we had four distinguished speakers, each of whom shared their thoughts on Helen's paper for ten minutes: Mavis Maclean (Oxford), Jonathan Herring (Oxford), Jennie Bristow (Canterbury Christchurch University) and John Gardner (Oxford). The subsequent discussion was lively and robust, but also infused with tremendous warmth towards Helen.

After two hours of academic debate, we adjourned to the 8th floor of the New Academic Building for a reception, attended by many of our colleagues in LSE Law, at which seven speakers reflected on their memories of Helen and her many important contributions to legal scholarship: Michael Freeman (UCL), John Eekelaar (Oxford), Daniel Monk (Birkbeck), Rosemary Auchmuty (Reading), Ellie Lee (Kent), David Gurnham (Southampton) and Emmanuel Voyiakis (LSE). Many of us heard things about Helen that we didn't know before, and although the day was full of sadness, it felt important to spend time together, remembering Helen and sharing our memories of her. She is hugely missed.

Forthcoming Events

Thursday 28 September 2017, 6.30pm - 8pm
Sheikh Zayed Theatre, New Academic Building, LSE

The Role of the Attorney General: in conversation with Shami Chakrabarti

Baroness Chakrabarti discusses her position as Shadow Attorney General for England & Wales with questions from the audience and online.

Baroness Chakrabarti CBE is Shadow Attorney General for England & Wales and Visiting Professor in Practice at LSE Law

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

Monday 23 October 2017, 6.30pm - 8pm
LSE Venue to be announced

The Rise and Fall of Shareholder Rights in America

Shareholder suits occur much more frequently in the U.S. than in Britain or for that matter Europe. The frequency of such suits masks the limited legal areas in which American shareholders pursue through litigation managers and controlling stockholders. Professor Cox will discuss several legal developments that occurred during what might be considered the "Golden Age" of American corporate law in which the courts created or strengthened various legal doctrines that protect and benefit shareholders. This trend is now being reversed. The reversal is observable in a series of recent important judicial decisions the causes for reversal remain somewhat speculative. However Professor Cox develops the thesis that business interests, most particularly the executives of publicly traded companies, have succeeded in pressuring courts to weaken shareholder rights so as to curb rising tide of activist shareholders as well as what can be seen as an epidemic of shareholder litigation.

James D Cox is the Brainerd Currie Professor of Law at Duke University School of Law and Visiting Professor at LSE Law

Chair: **Dr Carsten Gerner-Beuerle**, UCL

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

Full details and up to date information on all our events can be found at lse.ac.uk/law/events

Wednesday 22 November 2017, 6.30pm - 8pm
Wolfson Theatre, New Academic Building, LSE

Distributing Retributive Desert

This lecture explores puzzles of distributing retributive desert. Even if one takes giving people what they negatively deserve to be intrinsically good, one must confront questions of distribution. First, are there times when the means principle prevents giving people what they deserve? For example, if a citizen does not believe that it is intrinsically good to make offenders suffer, may she be coercively taxed to support it? Second, does retributivism have anything to say about the form and timing of punishment or about how to select among the deserving? That is, if the state must pick a form of punishment or must choose the kinds of crime to focus upon, does retributivism contribute to these selection questions, or are they determined by other considerations? Finally, should distributions take into account differential susceptibilities to punishment or prior undeserved suffering? For instance, should it matter that the rich and poor do not experience the same fine as equally punitive?

Kimberly Kessler Ferzan is the Harrison Robertson Professor of Law, Caddell and Chapman Professor of Law at University of Virginia School of Law

Chair: **Professor Jeremy Horder** is Professor of Criminal Law and Head of LSE Law

Tuesday 28 November 2017, 6.30pm - 8pm
Sheikh Zayed Theatre, New Academic Building, LSE

Cash: the future of money in the Bitcoin age

The socio-economic debate surrounding money has advanced since the early metallist days of John Locke. Money is no longer viewed as an homogenous, neutral thing; rather, theorists are wont to emphasise its pivotal role in shaping networks of social relations. Yet, in many respects, the legal analysis of money is playing catch-up, and the advent of distributed online ecosystems such as Bitcoin and Ethereum has pushed to the fore some difficult questions concerning the appropriate legal lens through which to view money, and monetary assets. If we are to produce robust answers, these questions must be explored with the benefit of interdisciplinary insight. In this conversation, law meets sociology in an attempt to lay the foundation for confronting some of these challenges.

Dr Tatiana Cutts is Assistant Professor of Law at LSE Law, **Professor Nigel Dodd** is Professor in the Sociology Department at LSE, **Dr Eva Micheler** is Associate Professor (Reader) in Law at LSE Law

Chair: **Dr Jo Braithwaite** is Associate Professor of Law at LSE Law

Do it with conviction: why my business employs ex-prisoners

Frankie Bennett, LLB 2014

It's hard to get a job if you've been in prison. However, many people develop skill and discipline in keeping fit whilst inside. I founded The Hard Yard to employ ex-prisoners to lead their prison-style workouts for the paying public, keeping you in shape and them out of prison.

Although I enjoyed my law degree, it became clear to me that I did not want to become a solicitor or a barrister. I was always more interested in the socioeconomic factors that lead people to commit crimes, go to prison and, crucially, what happens to people when they leave.

A few friends and I won a grant from the LSE Annual Fund to set up a mentoring project in a college in Barking & Dagenham to mentor young people who had been to young offenders' institutes in their teens. Their situations left me feeling hopeless. With criminal records round their necks, few qualifications and scars from spending their formative years in hostile environments, they were uninspired, skint, and ripe to reoffend. Their situations were indicative of the wider prison population. Of 90,000 adults leaving prison each year, only 26% find employment (Centre for Entrepreneurs, 2016).

This isn't down to a lack of will or skill. The Prisoner's Education Trust has found fitness qualifications inside prison to be oversubscribed and to have high pass rates. What's more, the prison cell environment creates a unique style of workout; banged up for hours on end, with little space or access to equipment, prisoners devise ingenious routines to stay in shape using just their own bodyweight, also known as calisthenics. Qualified and impassioned, they aspire to work in the fitness industry on release.

However, sadly this is often where the story stops. A recent report from the Select Committee for Work and Pensions found 50% of employers would not even consider offering an ex-offender a job. Self-employment is also a risky and difficult option, particularly if you do not have technical expertise and will struggle to navigate the online marketplace. So, I had the idea to create a fitness brand that has the admin, marketing and sales sorted online, so trainers coming out of prison could focus on what they love – training, and sharing that with others.

I won a bursary for the Year Here fellowship in social change and innovation and crowdfunded some initial cash last summer. Since then, I have worked with three people and held a successful pilot in January. Winning investment, and now a place on the Bethnal Green Ventures accelerator programme, I'm currently recruiting trainers to launch a second pilot this summer.

Of course, leaving prison can be a big adjustment and a very chaotic time, so The Hard Yard offers extra support; travel expenses, a uniform allowance, weekly mentoring and counselling sessions. I work with individuals' probation officers and other charities they might be accessing support from to ensure their first months go as smoothly as possible. However, first and foremost, I am running a business - not a project, initiative or scheme. The relationship with my trainers is one of employment; they have skills, and I want to pay them to work for The Hard Yard. This has proven really positive for people's self-esteem and confidence. Everyone I've worked with so far just wants a job and to get on with their lives.

The Hard Yard's vision is to be an inclusive employer. I am upfront about trainers' backgrounds. I want to normalise the idea of employing and working with people who have been in prison, challenge the perceptions around ex-offenders,



and influence other employers to view criminal records differently too.

Follow my start-up journey on Twitter and Instagram [@hardyardlondon](#) and find me on Facebook as The Hard Yard. Alternatively, visit our website at [thehardyard.co.uk](#) and sign up to be the first to hear updates.

I am always looking for space in London – office space, meeting rooms and indoor and outdoor spaces to run workouts. If you can help out, would like to see The Hard Yard train you or your colleagues, or would like to ask me anything about the business, please don't hesitate to contact me at frankie@thehardyard.co.uk

**THE
HARD
YARD.**

Life in the Cabinet Office

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Anjli Mapara, LLB 2012

“I want to influence the law, not implement it.” Almost ten years ago, at the start of my law degree, I wondered how I would set about achieving my goal.

Fast forward to present day, I am a civil servant at the Cabinet Office working on, in my opinion, one of the most fascinating political situations the UK Government has had to face in recent times. How the UK Government continues to work with the Northern Ireland Executive and the Scottish and Welsh Governments to manage intergovernmental relations effectively.

Not fascinated yet? An example of what this means in practice: 53.4% and 52.5% of people in England and Wales voted to leave the EU respectively, whereas the percentage of people who voted to leave was markedly smaller in Scotland at 38% and Northern Ireland at 44.2%. You add into the mix the different political, social and economic priorities of each devolved administration, you have an interesting exam question; how do you achieve a UK approach to, and objectives for, EU Exit?

A tough question that my colleagues and I across Whitehall and the devolved administrations have been seeking to answer. The Joint Ministerial Committee has been the main vehicle for bringing together Ministers from the UK Government and the devolved administrations to answer exactly this. My role primarily supports these fora, including the Joint Ministerial Committee Plenary, a meeting chaired by the Prime Minister and attended by the First Ministers and deputy First Minister of the devolved administrations, which provides oversight to all intergovernmental machinery.

Alongside these formal structures, a huge amount of informal engagement takes place between the UK Government and the devolved administrations. I work with Whitehall departments to prepare Ministers and Senior Civil Servants for their engagement. I advise Whitehall on intergovernmental relations policy and I work closely with the devolved administrations on matters of mutual interest. Being able to filter information from numerous sources

and disseminate it quickly and coherently is a key skill to be effective in this role.

One of the many benefits I enjoy in the civil service, is that I am not tied to a single policy area or type of role. I ran the Cabinet Office’s Second Permanent Secretary’s office for a year, acting as the conduit between him and staff members. Arguably this was one of the toughest jobs I have held so far. It was my role to know every bit of business that the Permanent Secretary had oversight of – this varied from corporate matters to detailed and complex policy matters.

When I first joined the civil service, I worked at the Non Departmental Public Body, the Youth Justice Board (YJB) for England and Wales. The YJB oversees the youth justice system for children up to the age of 18. I worked in a variety of roles there; from safeguarding & child protection to strategy & stakeholder management. The YJB gave me the chance to see how the law impacts on the lives of individuals. It taught me about the complexities of how a system involving so many constituent ‘bits’ – central government, local government, non-departmental public bodies, charities, courts, police and many others – can work together to make a system of law work. It gave me a sense of the many causes of crime and that the responsibility for solving it does not lie with a single body or within a single policy.

Working in the civil service is hugely interesting, highly unpredictable and enables you to put the principles of law that you have been taught at LSE into practice. The world-class academics at LSE teach you to challenge traditional understanding of the law, and the interplay between statute and case law. This has provided me with a strong foundation to follow a policy idea through from its development to its implementation. I am truly happy with the career choice that I have made.

For more information about a career in the Civil Service, visit [gov.uk/government/organisations/civil-service/about/recruitment](https://www.gov.uk/government/organisations/civil-service/about/recruitment)

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Mr Mario Palma Rojo	1977
Mr Michael L Ettinger	1978
Mr Jean G Ithier	1978
Mr Rolf Ulrich	1978
Mr David A K Harland	1978
Mr Andrew Colman	1979
Mr William J Hughes	1979
Mr Patrick M Mears	1979
Ian Ray-Todd	1979
Mr Ronald C Brown	1980
Mr Paul M Keane	1980
Mr Peter R Main	1980
Mrs Pamela A Marsh	1980
Mr Graham J Nicholson	1980
Ms Heather Rogers QC	1980
Mrs Kiran Sandford	1980
Mr David J Fier	1981
Mr Nicholas P Groombridge	1981
Mr Tom Loesch	1981
Mr Siddhartha Mitra	1981
Mr Paul Zed	1981
Mr Richard J Banta	1982
Mr Roberto Cristofolini	1982
Mr Dan Fitz	1982
Mr Paul J L Lambert	1982
Mr Taiwo A I Osipitan	1982
Ms Anjali G Asnanee	1983
Mrs Elizabeth A. Courtenay-Stamp	1983
Mr John S Dodd	1983
Ms Helen L D Moorman	1983
Ms Margaret Conway	1984
Mr Manuel del Valle	1984
Mr Raymond M S Kwok	1984
Mr Ian Bell	1985
Mr Philippe Dupont	1985
Mr Paul A C Jaffe	1985
Mr Andrew J Levy	1985
Mr Pierre Margue	1985
Mr Ralph N Mendelson	1985
Mr William J Swadling	1985
Mr Thomas Tendorf	1985
Dr Stefano Cianferotti	1986
Mr Stephen R Levitt	1986
Mr Michael J Surgalla Jr	1986
Mr James D Masson	1986
Dato Umi K Abdul Majid	1987
Ms Susan E Doe	1987
Ms Clare Hatcher	1987
Ms Colleen A Keck	1987
Ms Amy Kosnoff	1987

Mr Lauri Railas	1987
Mr Robert L Scott	1987
Mr Mark Norris	1987
Mr Baldev K Chawla	1988
Dr Linda C Neilson	1988
The Hon Judge Carol H Rehm Jr	1988
Ms Monica W Y Tse	1988
The Rt Hon Baroness Corston PC	1989
Ms Kim S Lansdown	1989
Mr Ronald B Sann	1989
Mr Carlos Valls Martinez	1989
Prof Gabrielle Z Marceau	1989
Mrs Kristen M Furlan	1990
Miss Gabriela Krader	1990
Ms Eva M Martensson	1990
Mrs Swati Paul	1990
Ms Helen J Redesdale	1990
Mr John O Terry	1990
Ms Tanja A Benedict	1991
Mr Niclas W. Högström	1991
Mr Toby J Locke	1991
Mr Nigel H Passmore	1991
Mr Giuseppe A Dell'Acqua	1992
Ms Tanyia A Dogra	1992
Mr Pedro D A Mariani	1992
Mr James J Markovich	1992
Mr E Thom Rumberger Jr	1992
Dr Gary D Solis	1992
Mr Malcolm J Souza-Lewis	1992
Mr Ali R Nikpay	1992
Mrs Tina Archer	1993
Mr Chude O U Chidi-Ofong	1993
Dr Constantine Delicostopoulos	1993
Ms Reedah N El-Saie	1993
Mr George W Jones	1993
Mrs Siobhan M B Lewington	1993
Dr A E Rupp-Swienty	1993
Mr Shilpen S M Savani	1993
Mr Luke F Swinhoe	1993
Mrs Susan P Webb	1993
Miss Wei H L Choi	1994
Mrs Emily P Haithwaite	1994
Mr Francis N Ikeyi	1994
Mr Kenneth W Roberts	1994
Mr René W Schneider	1994
Mr Brian T Beck	1995
Miss Gillian M Geddes	1995
Mr Boaz Goren	1995
Mr Patrick J Mcmorrow	1995
Mr Kartik Varma	1995
Mr David S S Ward	1995

Mr Josh T Wymard	1995
Mr David Tayar	1996
Mr Bruno Fontaine	1997
Mr Luis O Guerrero-Rodriguez	1997
Mr Thomas E Mazzora	1997
Mrs Beatriz P K Meldrum	1997
Mr John S Nystrom	1997
Mr Franz Flotzinger	1998
Mr Olumide Oyetan	1998
Mr Henryk I Sebba	1998
Ms Monica G Gutierrez Dominguez	1999
Ms Gauri Kasbekar-Shah	1999
Mr Gaurav Mohindra	1999
Ms Melis Acuner	2000
Dr Norbert Bramerdorfer	2000
Miss Priti Jobanputra	2000
Dr Marc A Sennwald	2000
Mr Tim O. Akkouch	2001
Miss Rachel A M Chia	2001
Miss Joo H Kim	2001
Mr Boris Olujic	2001
Mr Paul S Padda	2001
Ms Grace H. Pau Southergill	2001
Mr Michael Schuetz	2001
Mr Alain Molnar	2002
Mr Joseph W Bowley	2003
Mr Gregory J Clifford	2003
Mr Christopher J Mainella	2003
Mr Luis M Medina	2003
Mr Stephen B Reed	2003
Mr Romain Tiffon	2003
Ms Luciana Rebeschini	2003
Mr Richard L. Wilding	2003
Ms Li Cheng	2004
Mrs Maria G Mamone	2004
Miss Paraskevi Maniou	2004
Mr Adam D Mauntah	2004
Mr Gregory J Sullivan	2004
Mr Michael E Turner	2004
Mr Hanjiao Wang	2004
Ms Elena Cirillo	2005
Ms Oluwatoyin A Damola	2005
Mr Daniel Emch	2005
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Ms Elise G Nalbandian	2005
Mr David Person	2005
Mr Shiva Tiwari	2005
Mr Sergio Ung	2005
Miss Fiona W Wong	2005
Miss Corina Barsa	2006
Mr Olympio J Carvalho Silva	2006

Mr Ryan C Hansen	2006
Miss Charlotte M. Whitehorn	2006
Mr Florian A. Burnat	2007
Miss Clara G. Li	2007
Mr Martin G Hammond	2008
Miss Galyna Kurovska	2008
Mr Vishnu Prasad	2008
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Mr Alexandros Aldous	2010
Ms Marcela A Alves Correa	2010
Mr Tommaso Crackett	2010
Mr Camille-Michel El-Asmar	2010
Mr Lars S Otto	2010
Miss Nampha Prasithiran	2010
Mr Sven P Van Berge Henegouwen	2010
Miss Rebecca Birdsall	2011
Miss Monika Hlavkova	2011
Mr Siyuan Huang	2011
Miss Hiu T Kwong	2011
Miss Jiayin Yin	2011
Mr Ahmed Alani	2012
Miss Galena Dineva	2012
Mrs Asli Guner Paul	2012
Mr Cédric L Lindenmann	2012
Miss Eva Skufca	2012
Mr James Byrne	2013
Miss Anna S Caro	2013
Mr Gregory J Robins	2013
Mr Carl T Schnackenberg	2013
Miss Yiming Zhang	2013
Mr Calvin Chan	2014
Mr Tom P Cornell	2014
Mr Sylvain E Petit	2014
Ms Julia E Van Bezouwen	2014
Ms Imogen J Galilee	2015
Mr Raphael Girard	2015
Miss Zsafia O Mudrony	2015
Mr Vincent R Johnson	2016
Mr Oleg Kurochka	2016



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