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On the cover: Spectra, by the artist Tod Hanson, in the LSE Square outside the Centre Building. Charles Booth's Victorian Poverty Map is the starting point for the mural. Part of LSE Library's archive, the map has been inscribed into UNESCO's Memory of the World Register. The section of map the artwork focuses on is the area the School occupies: Lincoln's Inn Fields appears at the top and the organic arc of the Thames features below. In an approximation of a centre point, a red square denotes LSE Square, where we are now.

This mural was commissioned by the Contemporary Art Society (CAS). The CAS is a charity that purchases important works of art to place in public collections across the UK.

contemporaryartsociety.org/

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Focus on: Inequality at LSE Law

Interview by Dr Floris de Witte, Associate Professor of Law

The austerity measures of the past decade in the UK have exacerbated problems of poverty and inequality. 78 years after William Beveridge, former LSE Director, launched his blueprint for the modern British welfare state, meant to alleviate these problems, Ratio decided to see how research at LSE Law deals with the questions of poverty and inequality. We invited four of our scholars, working on different, if related, fields, to share their insights, and, more generally, to discuss the role of LSE in studying these social issues.

FdW: All of you have devoted a significant amount of your career focusing on questions of inequality and poverty. Is it a coincidence? Or a reflection of wider developments in academia or society more generally?

Joseph Spooner: There is certainly a connection between my focus on household debt and the developments we have seen over the past decade. The reduction of public expenditure, the shrinking welfare state, local councils getting their budgets cut by central government and the stagnation of wages have all led to a deepening of household debt. Austerity has led to a substitution of loans for wages and debt for welfare provision, as well as a continued reliance on private debt to fuel what little economic recovery there has been. This clearly has exacerbated certain problematic trends in household indebtedness and, consequently, bankruptcy law.

Insa Koch: My interest in inequality comes from the lived realities of the people that I've worked with. And while the last decade of austerity has increased these problems, these people have *always* felt marginalized by policy makers and overlooked by governments. Certainly from the 1980s onward this feeling of marginalization has increased. I've really seen it on my fieldsite where today, after a decade of austerity, it's really about survival: people are having to come to terms with big household debts, increased risks of rent arrears and forced evictions, with ensuing problems of homelessness, children being moved into care and so on. It's really a spiral of decline that is incredibly toxic.

Niki Lacey: My research has mainly been in two fields, both of which are tied up with the question of inequality. The first area has been criminal law and criminal justice, where, as a famous title of a book by Jeffrey Reiman goes: "the rich get richer and the poor get prison". Essentially, one of the few things we can

Above, left to right: Professor Nicola Lacey, Dr Insa Koch, Dr Joseph Spooner, Dr Andrew Summers and Dr Floris de Witte

generalize about systems of criminal justice is that coercive power is asymmetrically used against the vulnerable and poor. The developments that Joe and Insa have mentioned have amplified this – the modern state has increasingly resorted to tools of criminalization to keep social order in a fractured society. My second main area of interest has always been inequality from the feminist angle. And that is worth mentioning that while many legal mechanisms are poorly targeted at material inequality because of their nature as individual remedies, this might not be the case for status inequality. Law has proved to be better equipped at improving recognition or status of women and other disenfranchised groups.

Andy Summers: My work has focused on those at the top of the income and wealth distributions. Whilst austerity has been entrenched over the past decade, the UK has also seen a big stretching out within the top 1 per cent, where the very top of the top (the 0.1 per cent and 0.01 per cent) have been racing away. There's been a lot of great work studying these trends in other disciplines, but many social scientists remain daunted by the legal complexity around how these groups organise their economic – and in particular tax – affairs. As a doctrinal lawyer by training, I think I'm well-placed to cut through some of this complexity; I try to connect detailed legal analysis with an appreciation of other disciplinary perspectives, to bring greater scrutiny to some of the legal structures that propel and maintain economic inequality.

FdW: What is the role of law in fighting inequality? It seems that the causes stem to a large extent from choices in political economy or criminal justice that law can never fully tackle.

JS: I'd be a bit more cynical than that. We can think about law as an effective tool for remedying inequality, but very often it is law that is at the source of the problems. Often this is very deliberate, with legal tools being used to protect and entrench privilege and power, and to support economic and financial structures. An economic system also informs how the law operates. The debt growth of recent decades, for example, is a characteristic development of financialised capitalism, and these overall trends in economic organization and political economy clearly influence how policy makers and judges use the law. We need, I think, a healthy degree of skepticism about the role that law plays in this.

NL: I agree. I somewhat shocked the students on the MSc course on Inequality and Social Sciences by starting our seminar looking at the role of law by suggesting that law has just as often exacerbated as mitigated inequality. Law can, however, be used in different ways. Of course there are limits to law as an instrument for structural change. But it is also a question of the way in which law is enforced. Certainly at the very top, there can be a sense of impunity for, let's call them "crimes in the suites". Some things might be formally criminalized but those offences are substantively not enforced.

FdW: And I guess, at the top end of the wealth spectrum, this is exacerbated by the international dimension and ability to hide resources?

AS: The international dimension can present a lot of challenges, in particular for combatting tax evasion and avoidance. But even within a single country, legal complexity can be used to obscure income and wealth or to escape regulatory control. Academics and policy makers sometimes shy away from these topics but I think it's important to recognise that law is often deployed to protect and perpetuate advantages for the most economically privileged. For example, when it comes to the strategic use of tax reliefs and other schemes that are endorsed by government but not widely known about, it's often the case that "sunlight is the best disinfectant".

JS: Yes, that's right – more than seeing law as harmless, it is lawyers perpetuating these problems! But I see the need to highlight the progressive potential of law. When I speak to people in other disciplines, they often have a black box view of law, as an immutable institution that cannot change and that they simply will have to deal with or work around. Us lawyers, we know that law can change, with political will or the will of those working within the legal system. So we must take this potential of law seriously.

FdW: Can you give an example of where law has played this positive role?

JS: My area, bankruptcy law, has historically been an instrument to forgive people their debt, rather than entrench their disadvantage. It is sometimes forgotten that law can also do these kinds of things.

IK: I think in the context of the cuts to legal aid we can see the importance of law for securing social and economic rights for the most disadvantaged. In my fieldsite I have not just seen the effects of austerity, including a withdrawal of funding and public services, but also the introduction of legal aid cuts, which means that people cannot even *use* the law to defend themselves. This is an example of where law, and the ability to access it, can prevent the worst excesses of a punitive state.

NL: Minimum wage legislation as well, for example. If you think of gender equality, minimum wage legislation has been one of *the* most important institutional changes in recent times.

FdW: And how do other disciplines see law in this context? And within LSE specifically?

NL: LSE used to be a single school, of course, where disciplines were intrinsically connected, and law was just another aspect of a bigger context. The modern disciplinary specialization has made it a lot more difficult to tackle the questions that LSE used to be known for, and which almost inevitably require interdisciplinary focus, such as inequality. And though we've made attempts at LSE to break this model of academic siloing through the International Inequalities Institute (III), it is still very

difficult. The structure of the academy is discipline-based, but we also know that questions such as inequality cannot be understood within a single discipline, but require insights from lawyers, anthropologists, economists, historians, social policy specialists and so on.

FdW: And how has that worked within LSE's Inequalities institute?

NL: Certainly at the doctoral level, it is fantastic, drawing together a group of students working from across the school on questions of inequality from different perspectives. You can really see a genuinely interdisciplinary debate, where students enjoy their discussions and learning from each other's methods and insights.

FdW: Andy and Insa, you have both been working on some of these projects run by the Inequalities institute?

IK: Yes, and it is a great example where cross-disciplinary cooperation works very well. The project that I'm working on consists of a number of people, including sociologists, anthropologists, economic geographers and then there is me, an anthropologist and lawyer. It deals with the question of social polarization. Four of us are doing ethnography and the others are doing quantitative research. It is great to see how bringing together different methodological approaches, and theoretical insights, can lead to novel insights.

AS: It's been a very similar experience for me working within the Inequalities Institute on the "non-dom" status: a preferential tax regime available to people who live in the UK but who claim that their permanent home is abroad. This is a perfect example of an area that's ripe for academic study but where so far researchers from other disciplines have been scared off by the density and complexity of legal rules (as well as lack of access to data!). Opening up this complexity has attracted a lot of interest from other disciplines; in this context at least, my experience has been that other social scientists are keen to work with lawyers.

FdW: And what about our teaching curriculum here at LSE? Do we have sufficient attention to the issue of inequality and the role of law in it?

JS: Yes, this is certainly something that I worry about. The past decade has seen the devastation of the legal aid system in this jurisdiction, with severe consequences for access to justice. If law becomes a tool only available to the powerful and wealthy that is a problem and a challenge for us as teachers. For example, if we teach law by studying court judgments, but the courts are out of reach for all but the wealthiest – what's left to teach then? Of course, from the top law schools such as LSE a large number of students will end up representing the powerful and wealthy, so in legal education we risk creating a bias in favour of these groups, rather than enabling students to envision how they can put the law to the service of all.

NL: Insa and I teach the first year undergraduate students in the course on "Introduction to Legal Systems". We have tried very hard to bring a different perspective, and to encourage students think a bit about who uses law, what they use it for, who the lawyers are, and so on. But it is difficult. Students come to us with a clear image of what the law is, and the kind of careers they want. A good 20 per cent really likes this alternative, broader, agenda, which makes it worth teaching. But there is a general sense of apprehension, and sometimes of resistance, to asking those different questions.

IK: We must really teach law within its wider context, but the technical discipline of being a good lawyer today requires so much attention to black-letter, doctrinal, law, that there is not enough space for thinking beyond it. But we mustn't forget how law is used in practice. Has law really become so complex that we need three years to teach students the basic doctrinal concepts? Or is there maybe some level of defensiveness about what legal academia is for?

JS: And as Andy has said, there is a level of complexity that needs to be unpicked before we can see the context, or respond to it. Students need to be technically sound and know what to do. But a critical experience also remains necessary.

AS: In my LLM course on Taxation of Wealth I try to achieve a good combination of the two. Some students that come from more "activist" backgrounds want to think about how law can be used to tax income more heavily. But other students come out of high-paying finance jobs. Sometimes they take the course out of a sense of disillusionment, bringing new insights into the industry of tax planning; other times they are ready to defend the wealthy, which also brings a very useful perspective! All these groups get on surprisingly well, despite their different motivations and assumptions. It is a very productive combination.

NL: From the perspective of teaching we are stuck with this conundrum. A good number of students is thirsty for more. But we need to square that with training technically good lawyers. How to manage this is not easy.

FdW: In theory, LSE is the perfect place because of its interdisciplinary and critical commitment. But are we as a Department doing a sufficiently good job at this? And is legal education more generally doing a good enough job?

AS: Our student body is fantastic but on this issue it can be tricky. We attract a lot of students aiming to work in the City who are very focu[1]sed on achieving that goal. It can be hard to convince them that they should take subjects that critique or might seek to subvert this status quo.

JS: It is also part of a wider development of the neoliberal university. With increasing levels of student debts, there is a risk that education becomes more focused on offering students the best potential for the most lucrative career that is necessary to repay their debt.

AS: And there is of course a certain feedback effect, whereby because we don't teach, for example, welfare law, students are not exposed to those other potential careers and so tend to assume that there is this conveyor belt from the Law Department straight to the City.

IK: I think we should be investing a lot more in this area as legal academics both within and beyond LSE and to try to collectivise these issues.

NL: I agree. The reforms to the solicitors' qualifications might be an opportunity for a rethink, especially now that, at least within LSE, we have a critical mass of scholars interested in thinking about these issues.

JS: But then of course we also want to keep training good lawyers. Good technical lawyers can make good radicals, too. But it is a difficult balance to find.

NL: LSE's distinctive tradition means that it definitely has the ability to command people's affection. Students are ready to embrace a different view of the world. But we need to keep thinking about how we translate that into our degree programmes.

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FdW: Former LSE Director William Beveridge launched his blueprint for the UK welfare state more than 75 years ago highlighting five challenges: want, disease, ignorance, squalor and idleness. Are these still the central challenges today? What about technological developments, for example?

IK: I guess the big change from then has been that since the 80s inequality has been growing at a much faster pace, so whereas the problems might not have changed, they have become more acute and are experienced by far greater numbers of people than they had been before. And the focus on identity politics today, while definitely important, has sometimes come at the expense of more material, and redistributive issues.

NL: Demographics are a more vivid problem today than they were in the time of Beveridge, as is social care. But to pick up on what Insa was saying, the success of the agenda of status and recognition, of human rights more generally, has been tremendous over the last decades. It's a positive development, and one that students are really keen on studying.

FdW: And what about climate change? This is clearly a challenge that has the potential of massively increasing inequality, but could perhaps also be seen as a catalyst for a more meaningful engagement with the questions of social justice and just distribution?

JS: There is clearly a growing despair about the situation, even if the political tone isn't yet really reflective of that. We still see polarization where there should, by now, be common good. But while the tension is growing, we have learned from the financial crisis that even when it seems that things can surely not continue in the same way; they in fact can...

NL: I think climate change has one potential that many other problems haven't, which is that it touches people in the middle as well as at the bottom of the wealth divide. For the people in the middle, over the past decades, life has improved. It has led to polarization, but their material needs have been met. Climate change might at least make the people in the middle think a bit more carefully about growth and its implication.

FdW: Let's end on this somewhat optimistic note. Thank you all so much for this.

> Good technical lawyers can make good radicals, too.
>
> **Dr Joseph Spooner**

Nicola Lacey's interest in inequality is reflected mainly in her work on feminist legal theory and on criminal law and justice – a field which both mirrors and arguably exacerbates a range of social inequalities, while also being seen as a potential tool in mitigating them. Most recently, she has co-authored a series of papers with political economist David Soskice analysing the exceptional position of the USA in terms of inequalities in crime, punishment and a range of other key outcomes such as child poverty and residential segregation. Under the aegis of LSE's International Inequalities Institute, she and David co-convene an interdisciplinary seminar for 2nd-4th year doctoral students working on inequalities across the School.

Insa Koch is an anthropologist and lawyer and brings ethnographic methods to the study of inequality. Based on ten years of ethnographic research, her book "*Personalizing the State*" investigates how some of Britain's most disenfranchised citizens interact with the state in a climate of austerity and economic dispossession.

Joseph Spooner researches issues of law, policy, and politics relating to household debt, over-indebtedness, and financialisation. He is the author of *Bankruptcy: the Case for Relief in an Economy of Debt*. This book explores the unsustainable nature of our contemporary debt-dependent economy, and the public policy benefits of household debt relief. It considers how bankruptcy law can act as a mechanism of social insurance against the risks inherent in this economic order.

Andy Summers teaches and researches tax law and policy, with a focus on international personal tax. He teaches an LLM course on the Taxation of Wealth that examines wealth tax policies using a variety of disciplinary perspectives, including political theory, economics and sociology, as well as law. He works with economists to study the tax affairs of the very rich using administrative data accessed by agreement with HMRC, the UK tax authority. Current projects include work on capital gains, the "non-dom" tax status, and tax and migration of top earners.

A Minute in the Mind of Conor Gearty

Interviewed by Dr Cressida Auckland, Assistant Professor of Law

What are you working on at the moment?

Mainly, I am making films for my undergraduate public lawyers because rather than doing lectures this year, I am instead trying to do films followed by town hall meetings. Essentially these are large seminars in which all the first years sit around tables and join in a (large!) conversation, rather than just receiving lecture notes from me. The films are turning out to be a lot of fun but very time consuming, as I have to interview people, and go on site. For example tomorrow I am filming outside the house that was the house behind a big human rights decision.

I am also working on an article on the role of the courts in torture, which has been very interesting. Judges recently have been much more inclined to assert the rule of law and not serve the interests of the State as they have done in the past in Britain.

What drew you to human rights law in the first place?

I was always fascinated by the link between politics and law, but bizarrely, my entry point into human rights was a real dislike of them.

As a junior academic, being really opposed to human rights got me a lot of notice and so when I went for a job at LSE which was to be the Director of the Centre for the Study of Human Rights, the very first question at interview was, "why have you applied for this job given that you oppose human rights?". I was then able to "explain" that it wasn't human rights I was against so much as their realisation in various laws of which I disapproved – fortunately this intellectual sleight-of-hand did the trick.

And are you still sceptical?

No, no I am not. I was recently asked to write an article for the Guardian on something I have changed my mind about, and I wrote that I had changed my mind on whether I had changed my mind. Because for ages I maintained that I hadn't changed my mind because the Human Rights Act as enacted was nothing like what was being proposed in the 1990's, but after a while I decided I had changed my mind and I am now in favour of human rights law.

What do you think the future of the Human Rights Act is?

I am optimistic it will survive, as it has withstood so much conflict in the past, almost since its conception. Tactically, the Conservative Party led by Boris Johnson may now turn its attention to human rights and the role of the judges to keep their populist angle going. But it has proved its metal and it will be hard to get rid of. I am very optimistic that the structures of British culture are such that the law can defend itself via the powerful professions that now really get human rights, and rather enjoy it.

You practice as a barrister alongside your work as a Professor at LSE. Are you working on any interesting cases at the moment?

Yes. I am working on a very interesting case to do Tamil complaints to the United Nations about how they are restricted in their effort to use conventional political means to carve a state out of the part of Sri Lanka in which the majority population is Tamil and also a case in the English courts about how unfair it is — and we say a breach of human rights — that the widows of police officers lose their pensions if they remarry.

If you had not gone into law, what would you have done?

I would say I possibly would have ended up as a teacher as I love teaching, in something like History or English. I might have also tried to go into TV actually, almost certainly unsuccessfully. But since I went into law so early I can envisage no other kind of life, unfortunately and rather narrowly.

Do you have any unusual hobbies or talents?

No. My hobbies are rather predictable and my talents are rather thin on the ground.

That's all we have time for. Thank you very much Conor.

Mandy Tinnams: celebrating 26 years in the Department of Law

With twenty-six years under her belt, Mandy is the longest-serving member of the PSS team. We asked her to share some of her highlights and to tell us a little more about life in the Department of Law.

I joined the Department of Law as a secretary twenty-six years ago this October. It is funny to think that when I first started at LSE we were still using typewriters. In those days, I worked closely with individual academics and I had all sorts of responsibilities. For example, I would prepare handouts for the late Professor Lord Wedderburn. He had particularly spidery handwriting and he used different coloured felt-tip pens to mark changes to his notes, I would have to work so carefully through his scrawls step by step, editing as I went!

My role now has changed a lot, but it is still very varied. As the Estates and Health and Safety Officer, I am the go-to person for any issues with the building and facilities. I also manage the administration of the Modern Law Review, a charity that publishes the leading academic law review, organises lectures and supports seminars, scholarships and prizes. We hold the Chorley Lecture and Dinner every year, and even now I love to see it all come together on the night.

As the Estates and Health and Safety Officer, I managed the Department's move from the Old Building to the New Academic Building in 2008. In the Old Building we each had our own office and we felt like one big family, but we were scattered all over the place. The Department has really grown over the years and the move to New Academic Building has meant that our offices are now consolidated over a few floors. I thoroughly enjoyed working on this project and bringing it to completion, although I was less than impressed when I found myself stuck in the lift just after the new building opened – the lifts were not part of my remit!

I also look after some of the Short Courses in the Department, I've been managing the "Short Course on Regulation" for over twenty years. The course is delivered over five days and is attended by participants from all over the world. It is always extremely popular. Initially the course ran once a year, now it is offered twice a year and we are about to launch an online version. I am proud to have helped to build it up from scratch. The sense of community on the course is really something special, I love to engage with course directors, speakers and participants from all walks of life and I have even delivered the Short Courses overseas to places as far away as Thailand. I love to travel and always have a holiday planned with my husband and parents, so it is a bonus when I get to travel with work too.

My social life has often overlapped with work, and I have made firm friendships in the Department. Angela White, who is a former Department Manager and who was in post for over thirty years, was on my interview panel and we are still very good friends after all this time. Through work I have been invited to Buckingham Palace on two separate occasions. On my first visit I was invited as a guest by the Head Porter, who was being awarded an MBE. For the second visit I attended a Garden Party, it was a fabulous occasion.

My time outside work is equally important to me. I have lived in Kent all my life and when I'm not planning my next holiday, I enjoy walking and cycling in the countryside with my husband and two dogs, Millie and Poppy, and I love spending time with my parents who live close by.

Looking to the future, I'm sure the Department will continue to build on its successes, and with the recent changes brought about by COVID-19, no doubt more and more work will be carried out remotely. The days of my old typewriter seem a long time ago now!

In Memoriam: Susan Hunt

Words by Dame Rosalyn Higgins, GBE QC. Formerly Professor of International Law, LSE, 1982-95

Susan Hunt was born in 1946 in Derbyshire. Her mother died young, and Susan and her brother were brought up by her father, a teacher. She qualified as a nurse but decided that profession did not suit her. She trained as a secretary and worked for a GP. She then in 1973 came to LSE as a secretary in the Law Department, and stayed until retirement in 2011. She rapidly knew everyone and everything , a fact much relied on by all who came in to contact with her. Her knowledge of the Department, its personnel and various events occurring within it, was unrivalled. Susan was in no way your typical secretary – if such a person exists – and was greatly popular with students and Law Department staff alike.

By the time I arrived at the School, her main role was to look after the current Professor of International Law, inevitably a very busy job. But she continued to look after several other staff members too. None of her multiple charges ever felt neglected, never feeling that she did not make sufficient time for them. She did the impossible daily, never complaining.

Susan was incredibly hard working, and impossible to fluster. Whether the request was to assemble orderly packs of teaching materials out of a huge, confused pile of papers; or to recall which student had requested exactly what, and when, so that a response could be given; or, in my case, to decipher illegible writing and turn the arrows, circles and hydrographic instructions to go three pages forward and then four pages back, in to a tidy text ready for publication, she did it all with apparent ease and uncluttered competence. When I received the official invitation to let my name go forward for election as the British Judge at the International Court of Justice, I was somewhat shocked when my husband firmly said I could not accept. I asked why. " Because Susan won't be going with you and no one else can read your writing," he replied.

The many that she worked for at LSE – including Christopher Greenwood, Christine Chinkin, Rick Rawlings, Cedric Thornberry, Friedl Weiss, Simon and Marion Roberts, Vanessa Finch, James Penner, Ross Cranston and Leonard Leigh and many more all knew that, whatever the pressures of time they placed upon her, there would be virtually no alterations needed. Susan's work was not only fast but also incredibly accurate. She was always prepared to stay late to help deadlines to be met. After a short break after normal office hours, she would reappear with her cigarettes and a large G and T, and set to work again.

She was awarded an MBE in the 2006 New Year's Honours List , was richly deserved for long years of outstanding service to the School. Of course, she made light of it, but enjoyed the investiture at Buckingham Palace in June of that year, when her honour was conferred by the Prince of Wales.

While at LSE Susan married David Hunt, a solicitor. David was in his way as unusual as Susan was, with a formidable intelligence. They loved competing in quiz nights in local pubs, no doubt over several G and T's. He was to die shortly after Susan's retirement.

The social graces did not figure in Susan's work life. She was not a person to be relied on to say the right thing at the right time, to make the expected polite noises. Her manner of speaking was somewhat gruff, she would never flatter. She would say exactly what she thought, sometimes at the most unexpected times and we all loved her for the unusual person she was, and appreciated her loyalty and work ethic – along with the home truths she did not hesitate to offer.

So many of us at LSE owed so much to her.

Staff Updates

Awards

Professor Julia Black

Professor Martin Loughlin

Dr Insa Koch

Dr Margot Salomon

Laura-Ann Royal

The Department of Law is delighted to congratulate **Professor Julia Black** on her award of a CBE in the New Year 2020 Honours List in recognition of her achievements in the study of Law and Regulation.

There have been a number of publishing awards for staff members this year. Congratulations to **Professor Martin Loughlin** who has been awarded the 2020 Crick Prize by Political Quarterly for his article, "What Would John Griffith have made of Jonathan Sumption's Reith Lectures?". **Dr Insa Koch** won the 2020 Hart–SLSA Prize for Early Career Academics for her book, *Personalising the State: An Anthropology of Law, Politics and Welfare in Austerity Britain*, (OUP 2018). **Dr Margot Salomon** and her co-authors won the European Society of International Law Book Prize 2019 for their book, *The Misery of International Law: Confrontations with Injustice in the Global Economy* (OUP 2018).

LSE Class Teacher Awards were granted to **Agnieska Ason** and **Anca-Gabriela Bunda**.

Congratulations also go to **Laura-Ann Royal**, the Department's Student Experience and Programme Delivery Officer for Undergraduate programmes, who won a Commended prize for her excellent work in the Student Experience Ambassador category in the recent LSE Values in Practice Awards. **Laura Carseldine**, **Sarah Lee** and **Sonya Onwu** also received nominations.

Appointments

Many congratulations to **Professor Julia Black** CBE who has been appointed President of the British Academy. **Professor Conor Gearty** has been elected Vice President (Social Sciences) of the British Academy and **Professor Gerry Simpson** has been made a Fellow of the British Academy (FBA) in recognition of his outstanding research in Public International Law.

Professor Andrew Murray has been appointed to the Advisory Network of IMPRESS, the press regulator. The Advisory Network has been formed to advised IMPRESS on the development of its regulatory scheme for news publishers and will report to the IMPRESS Board in late 2020.

Emeritus **Professor Carol Harlow QC** is amongst the members of an independent panel appointed by the government to consider potential reforms of the UK judicial review process.

We are pleased to congratulate **Professor Pablo Ibáñez Colomo** on his appointment as a Jean Monnet Chair in Competition Law and Regulation, based in LSE Law. Jean Monnet activities are supported by the European Commission with the aim of promoting excellence in teaching and research activities in EU studies worldwide.

Academic Arrivals

The Department of Law is pleased to welcome **Dr Mona Pinchis-Paulsen**, Assistant Professor of International Economic Law; **Dr Luke McDonagh**, Assistant Professor of Intellectual Property Law; **Dr Martin Husovec**, Assistant Professor of Intellectual Property Law; and **Dr Richard Martin,** Assistant Professor of Criminal Law and Criminology.

Staff Updates (continued)

Academic Promotions

Emmanuel Voyiakis

Congratulations to **Emmanuel Voyiakis** who has been promoted to Professor.

Dr Andy Summers, **Dr Joe Spooner** and **Dr Michael Blackwell** all passed Major Review and have been promoted to Associate Professor.

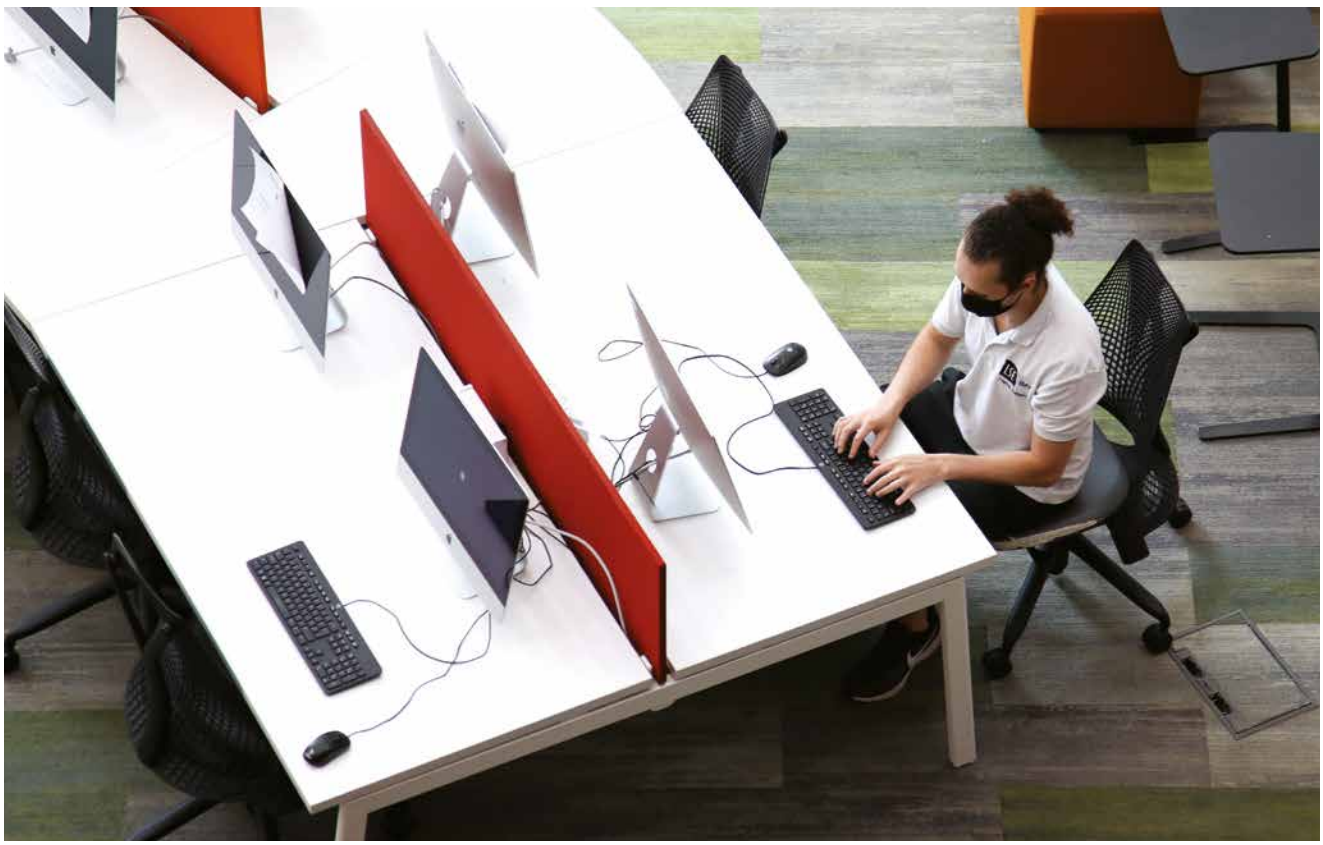
Academic Farewells

Dr Tatiana Cutts has moved Melbourne University Law School as an Associate Professor. We bid farewell to **Dr Rishi Gulati** and **Dr Chris O'Meara**, who have finished their terms as LSE Fellows. We wish them all the best with their next steps.

Professional Services Staff

The Department welcomed **Naomi Warren** in July as the Department Manager for Operations and Personnel. Earlier in the academic year, **Laurie Ingram** joined the Department and has recently been promoted to Undergraduate Programme Administrator. Welcome to **Molly Rhead** and **Alex Green**, who joined this year as Communications Officer and Events Administrator respectively.

We would like to wish all the best to **Harriet Carter**, who has been appointed as Institute Manager at the Grantham Institute. We bid farewell to **Michelle Henriksen**, **Emily Boyle** and **Anastasia Siapka** and would like to thank them for their contributions to the Department.



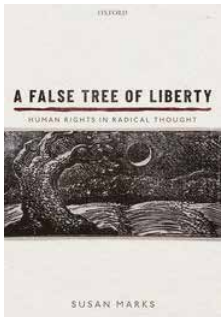
New Books

Zglinski, Jan (2020)

Europe's Passive Virtues: Deference to National Authorities in EU Free Movement Law

Oxford University Press, Oxford, UK

ISBN 9780198844792

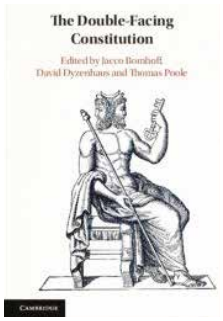


Marks, Susan (2019)

A false tree of liberty: human rights in radical thought

Oxford University Press, Oxford, UK

ISBN 9780199675456

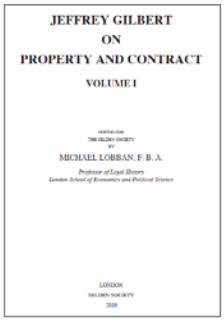


Edited by Bomhoff, Jacco; Poole, Thomas; Dyzenhaus, David (2020)

The Double-Facing Constitution

Cambridge University Press, Cambridge, UK

ISBN 9781108751483

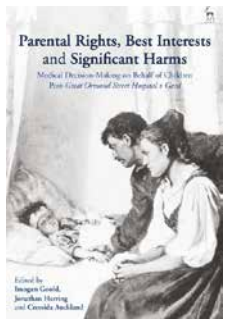


Lobban, Michael, ed. (2019)

Jeffrey Gilbert on property and contract: volume I and II

134 Selden Society, London, UK

ISBN 0854232291



Edited by Auckland, Cressida; Goold, Imogen; Herring, Jonathan (2019)

Parental Rights, Best Interests and Significant Harms

Hart Publishing, Oxford, UK

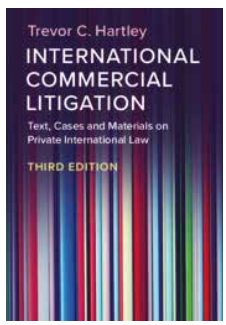
ISBN 9781509924912

Gerner-Beuerle, Carsten, Mucciarelli, Frederico M., Schuster, Edmund-Philipp and Siems, Mathias (2019)

Private International Law of Companies in Europe

Beck, Munich, Germany; Hart Publishing, Oxford, UK; Nomos, Baden-Baden, Germany

ISBN 9783406714573

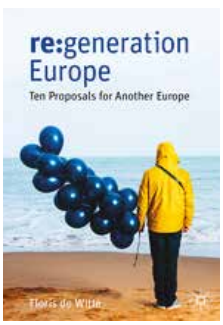


Hartley, Trevor (2020)

International commercial litigation: text, cases and materials on private international law

Cambridge University Press, Cambridge, UK

ISBN 9781108721134



de Witte, Floris (2020)

re:generation Europe

Palgrave Macmillan, London, UK

ISBN 978-3-030-19787-2

STUDENT NEWS

Closing the Gap with *In2_Law*

Anisa Morina, 3rd year LLB student

Confidence is a vital element of success, but you won't find that on the syllabus. *In2_Law* is contributing to a solution by providing state educated students with an insight into top universities.

Access to higher education for students from traditionally disadvantaged backgrounds is a persistent issue, with the proportion of state school students at UK universities falling for the first time this year since 2010.

Yet, the obstacle is no longer one of academic attainment, with many students now able to meet (and exceed) the grade requirements. Instead, it is in the ensuing maze of personal statements, admissions testing, interviews and more that they face the greatest difficulty. For in these requirements, universities seek an unspoken skillset that exists beyond the syllabus. Academics are the *easy bit*, in this world where the abstract ability to "intellectually reason", "confidently articulate" and "demonstrate an interest" are the vital differentiator between applicants. And yet too often, because schools are ill-equipped to provide adequate support and exposure in this area, students remain denied of this "additional" requirement, having to enter the maze blind. Systemically, locked from the markers of success in today's society, and any consequent opportunity. The fact is, your average student from a working-class background isn't automatically presented with prospects that allow for exposure into their field-of-interest. This hinders the chance for a real sense of confidence to emerge, as individuals haven't been given the opportunity to practice what they'll face to the same extent as their privileged peers.

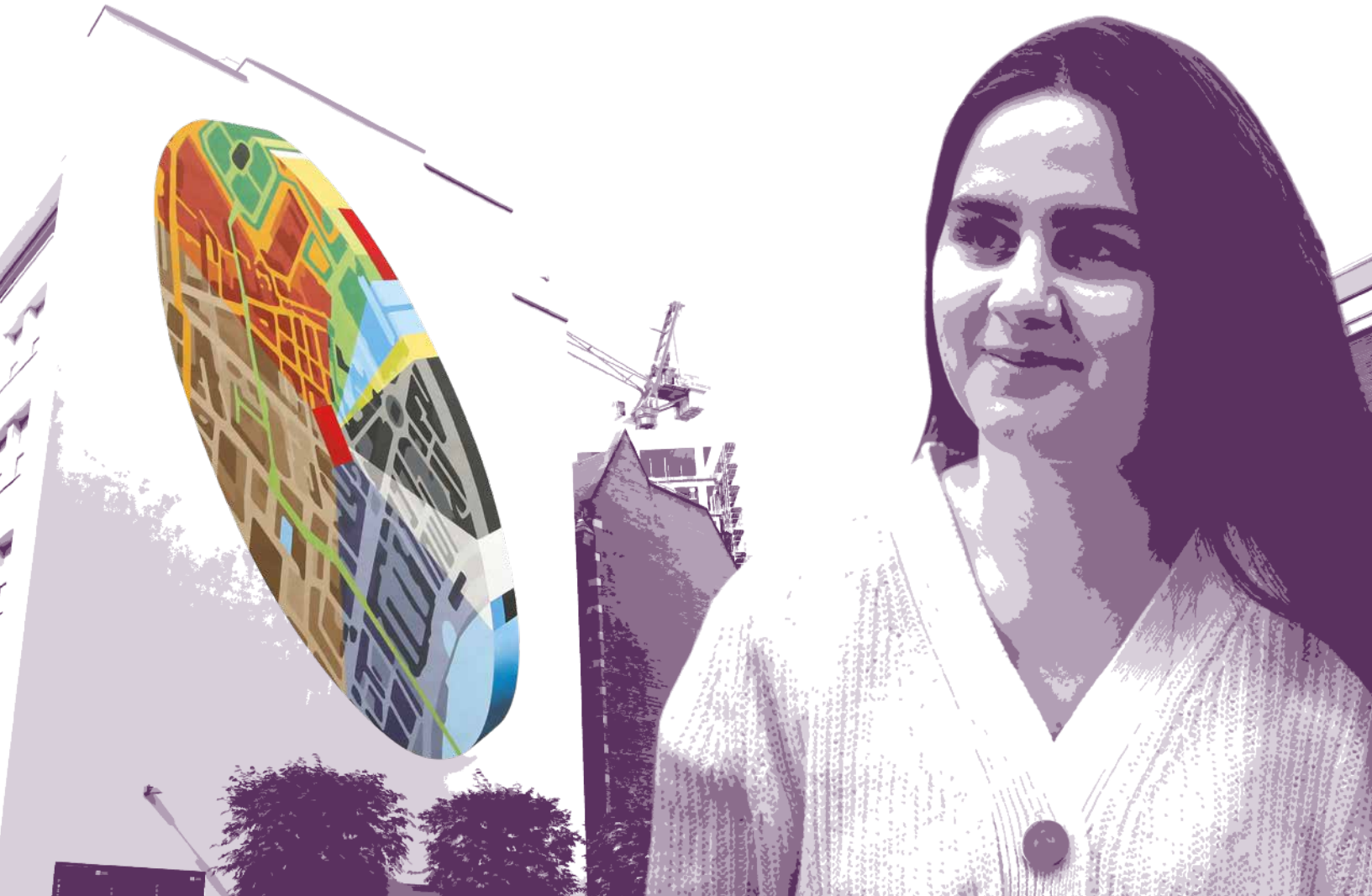
As a result, state school students will often be less naturally self-assured. When I applied to LSE, I always felt a bit out of my depth. My Albanian parents grew up in the mountainous countryside, where moving on to university was near to impossible. That's why they always pushed me to study

hard and get a good education – the only issue was I knew very little about what it actually took to study law or be a successful student at a university like LSE. What is often required of state-educated students is the need to be proactive and take the initiative to seek out opportunities. I was fortunate to discover the Alison Wetherfield programme at LSE when I was in year 12, an experience which demystified the admissions process for me. I remember wearing an LSE hoodie, which I had received as part of the Wetherfield programme, to a school Sports Day that year and my teacher jokingly remarking "I didn't realise you had already graduated from LSE?". If you had asked me then, I would have never thought I would end up *actually* studying here. But the level of confidence I had gained through mentoring and exposure into the study of law, whether I realised it or not at that point, had pushed me to give it a go. After all, why couldn't it be me?

This idea forms the basis of *in2_law* – the social initiative I co-founded to support students at state schools. The aim is to provide insight into university life and the study of law, in order to make navigating the transition into higher education easier. We wanted to create an informal environment, where students felt they could reach out and ask questions – as such using social media provided the perfect platform. One of our most popular events was a personal statement clinic we hosted at the UCL, in which a host of volunteers helped us provide 1-to-1 feedback to over forty students. The most rewarding part has been students getting in touch to tell us about the offers they've received.

There's almost a sense of defiance with this project. Working class children can make it, but the odds are stacked against them. That means the five minutes I take out of my day to reply to a question that's been sent in or the random reminders of upcoming opportunities I pester our followers with, can actually make a real difference. The system is fundamentally difficult to transform, but simply working within what we know can help bring about some change that eases social mobility.

> "There's almost a sense of defiance with this project."



STUDENT NEWS

All about the Nth Cause

Taha Almasri and Nancy Hawthorn, 3rd year LLB students

The Nth Cause is a project launched by Taha Almasri and Nancy Hawthorn, during their LLB studies at LSE. They have produced five podcasts, published across their website, soundcloud and spotify platforms. Overall, their website has seen over 2000 visitors and podcasts have achieved over 1500 listeners.

At the heart of the podcast is a drive to uncover the "Nth cause". For us, this means unraveling problems to reveal and map their root causes. We have strived to create the forum:

- For curious minds to access in depth analysis of contemporary issues.
- For passionate students to challenge assumptions and express their own views on important debates.
- For experts to share their perspectives on the nuances, challenges and opportunities created by new problems.

Our hope has been to move past the polarisation that characterises political debate and to facilitate fruitful, open discussion. To achieve this in our podcasts, we have explored current affairs through legal analysis. Particularly as law students, we saw potential in leveraging our own disciplinary perspective to illuminate difficult and multifaceted modern problems. We believe that this overlay of legal issues could help to de-politicise the conversation in a productive way.

Hosting this forum has involved bringing together experts and students to explore and discuss a given topic. This has ranged from Brexit, to democratic discourse online, to social mobility in the legal sphere. On each topic we have hosted two podcasts. First, we have brought together two expert academics in the field to explore the nuances, challenges and opportunities created by new issues. Second, we host two passionate students for a debate-orientated discussion that centres on a specific contentious issue within the topic area. For instance on Brexit, we asked whether the EU is actually "*good*" for the UK.

Left to right: Professor Conor Gearty, Taha Almasri, Professor Peter Ramsay

The podcast grew from a passion to understand the causes of things. In our first year we met students who were keen to use their newly acquired legal perspective to grapple with current issues and form a nuanced opinion on them. This made for refreshing conversation on topics that were otherwise reduced to talking points in mainstream discourse; conversation that we have sought to keep active through the "Nth cause podcast" by providing *the* forum for students to have and listen to nuanced discussions.

However this story is incomplete without the tremendous impact of LSE's professors. It is really exciting to tap into the expertise at LSE, bringing together professors to explore issues. Our first experts podcast explored Brexit – a topic which can safely be described as politically exhausted. Happily, the conversation we hosted with Professors Peter Ramsay and Conor Gearty transcended this. They mapped the issues with refreshing impartiality, neither hoping to "win" the argument but rather to shed light collaboratively on Brexit as a phenomenon. To facilitate a conversation like that was deeply rewarding, and motivated us to invest real energy and love into the project.

Having established the podcast, we are passionate about bringing a platform that continues to move the conversation forward. We have grown frustrated with political debate in today's world characterised by a lack of understanding or effort to pay respect to common ground. We believe this mode of discussion breeds an unproductive dogmatism which doesn't listen. Through our podcasts, we have created a space to untangle contentious issues from their political sentiment and populist misconceptions to understand their dynamics with much more clarity. Our focus is therefore not on the black or white, but instead the "knotiness" of the grey in order to uncover the "Nth" cause.

Left to right: Alice Norga, Nancy Hawthorn, Salena Mann

STUDENT NEWS

LLM Profile: Ruth Whittaker

Interview by Dr Cressida Auckland, Assistant Professor of Law

CA: What did you do before starting your LLM at LSE?

Before starting my LLM, I made a point to take some time out of work to do a number of placements with legal charities. After my LLB, I'd gone straight on to the Bar training course and subsequently began working as a paralegal at a Magic Circle law firm. Whilst at the firm, I contributed to some pro bono work on behalf of various charities in my spare time. I found this type of work exceptionally fulfilling, and came to the eventual realisation that my interest in law was precisely because it could be utilised for these kinds of social purposes. And so I decided to pack in the prospect of a commercial career and use the money that I had saved to spend a year doing as many volunteering placements as I possibly could.

I started by working with the debt and housing teams at Lambeth Law Centre (before its unfortunate closure). Through a fantastic twist of fate, I ended up at the associated Public Interest Law Centre – a small but mighty team committed to the intersection between public law and human rights. Before long, I was investigating diplomatic immunity issues regarding Brigadier Priyanka Fernando (Sri Lanka's military attaché) and the throat-slitting gesture he made to Tamil protesters while walking out of the Sri Lankan High Commission. Other tasks at PILC included research into the legal framework surrounding international arms exports and various compensation claims against the Home Office. I still find it amazing that this tiny law centre could be doing such incredible work, with such far-reaching effects.

I also volunteered at the Free Representation Unit, where I represented claimants at the Social Security Tribunal (and came close to establishing a test case on the definition of being unable to eat!). I also spent some time working for the legal charity Liberty, helping their Advice and Information team provide human rights advice to the public. It was whilst I was at Liberty that the opportunity arose to go to Cambodia for a few months, so off I went.

CA: Why Cambodia?

I was always interested in Cambodia on a personal level (my mother being Cambodian), but it's also fascinating from a human rights perspective given its recent history. The Human Rights Lawyers Association offer bursaries each year for people to undertake voluntary placements and I was incredibly fortunate to get one. I spent time working at the Cambodian Center for Human Rights, where I assisted with advocacy initiatives, produced legal training materials for domestic lawyers, and analysed draft legislation to ensure it complied with internationally recognised standards. Working in Phnom Penh was particularly valuable in that it made me appreciate that my skillset wasn't limited to the UK.

One particularly memorable moment was watching the trial of a prominent land activist at the Phnom Penh Municipal Court. Halfway through, the judge left the courtroom to take a phone call and instructed the prosecutor to carry on his cross-examination while he was out. My jaw hit the floor – I was furious! (The immediate outrage lasted for the rest of the day – my colleagues just laughed at me and said, "Welcome to Cambodia…").

CA: Wow. That is incredible. What made you decide to apply for an LLM and why were you interested in LSE?

It's one thing to look at a subject through a practical lens, but looking at it academically is entirely different and I wanted to explore things from that perspective.

For me, it was also important to have a reasonably broad specialism. Studying at LSE allows me to have this: the way that its LLM is structured let me take a variety of options without losing the public law focus.

Another thing that drew me to LSE were its LLM courses on Art Law and Cultural Property and Heritage Law. There are really interesting issues in post-genocidal countries that are trying to rebuild not just their economies, but their whole cultural identities – reclaiming art and cultural property is an important part of that process. For example, Cambodia continues to experience problems caused by the illicit export of cultural property as a result of the Khmer Rouge regime in the 70s. I was really interested to examine this from a legal perspective: my dissertation will be exploring the connection between looting and human rights abuses, and the restitution of cultural property as a form of transitional justice.

CA: You chose to study the course part-time. Why was this?

The main reason was because I wanted to take my time with it. I thought that my enjoyment of the degree would be maximised if I had more time to engage with it, rather than rushing to get things read for an essay or exam.

Being part-time also made financial sense, as it meant that I could continue to work.

In any case, I was enjoying my paralegal role at Farore Law (a boutique law firm that specialises in discrimination and harassment in the employment context) and was keen to continue working for the firm alongside the LLM.

CA: And how do you find working part-time alongside your LLM?

To be honest, I find balancing the workload very manageable – though that is helped by the fact that my work and studies compliment each other, given the subjects I have chosen. For example, my work in Cambodia and London has involved applying domestic gender pay gap regulations and analysing associated pay gap data. This married up with an LLM seminar I had on equal pay in the European human rights context. Having a professional insight into a topic does add a pleasant dimension.

CA: That sounds really interesting! Finally, do you have any advice for our current LLB students about life after graduating?

The main piece of advice I would give is to be flexible when it comes to your career. Your career trajectory need not be linear – it's important not to create a hierarchy of career options and then think you've failed if you don't get "Plan A". It is very easy, especially when part of a competitive cohort applying for an even more competitive career, to feel a sense of urgency about having your future meticulously mapped out. The reality, which I only realised much later, is that very few people enjoy an unhindered route to their profession. For most, it is not completely plain sailing. The unexpected experience and knowledge you pick up en route could prove invaluable to your later applications and careers. It did for me, and for so many others that I know.

Changing your mind is also not a failing. You can spend years working towards this coveted goal of qualifying as a commercial solicitor, but if you find you don't gel with it, then stepping back is not a defeat. There is so much you can do with a law degree that doesn't have to result in being a lawyer. The capacity to adapt and roll with your strengths against the grain of what people expect is a real skill and I believe those who learn to do this are ultimately better off for it.

If you intend to pursue a legal career, I would also say: don't shy away from smaller organisations. My impression going into the workforce for the first time was "bigger firm equals bigger work", but no top-tier law firm is going to trust you with high-level work the minute you arrive. However, working at a smaller organisation means you're more likely to get exposure to important and complex work earlier on – you're simply a more valuable resource at a smaller outfit. It can be a bit of a baptism of fire, but you take on much more responsibility, and, I believe, learn so much more!

Finally, I would recommend that any aspiring lawyer spend some time working for a legal charity, regardless of what area they intend to specialise in. I couldn't quite believe the effect that even the smallest contribution could make to a person's life, but it's there and it's wonderful. It is important, I think, to be exposed to the human side of the law.

The Executive LLM: New Courses and Initiatives

Dr Jan Zglinski, Assistant Professor of Law

It was another busy and successful year for the Executive LLM, both in academic and non-academic terms. There have been additions to the curriculum, with Dr Joseph Spooner offering a new module on Banking and Finance Law which focuses on the regulation of retail, consumer and Small and Medium Enterprise (SME) markets. Over the past decade, events like the global financial crisis and the Great Recession have demonstrated the extent to which our economies depend on consumer and SME finance. The course provided the students with insights into the nature and structure of these markets and an understanding of how financial laws and regulations are made, applied, and enforced. "It was a great experience to hold classroom discussion on pressing contemporary policy questions with such an experienced, knowledgeable, and open-minded group of students", Dr Spooner commented on his experience.

There have also been exciting developments and initiatives outside the classroom. The 3rd annual Student and Alumni Dinner took place at Lincoln's Inn. A further highlight was the inaugural session of the Executive LLM Talks on 4 September 2019, a new series organised by the ELLM Alumni Association. The event, which was chaired by Pinar Basdan Cetinel (Class of 2017) and took place in the Wolfson Theatre, featured three experts on Islamic finance who discussed the question: "How did Islamic finance prosper under English Law?" Lord Sheikh, the Co-Chair of the All-Party Parliamentary Group on Islamic Finance at the House of Lords, provided reflections on the UK's status as a European hub of Islamic financial services. Rupert Reed QC, barrister at Serle Court Chambers, explained how Islamic finance principles are applied under English law and Dr Marizah Minhat, Lecturer in Finance at Edinburgh Napier University and Treasurer of the Executive LLM Alumni, examined the differences between Islamic finance and conventional finance.

"What attracted me to LSE was its amazing international reputation as well as the ability to study amongst professionals, many of whom are at the top of their field. Our cohort included general counsels, barristers, partners in law firms and judges. I don't think I would have found that anywhere else."

Courtney Ickeringill, Senior Associate, Herbert Smith Freehills

"The ELLM has a number of great features. There is no online distance learning, which is valuable to the students as you get to know your instructors, classmates, and the city. LSE is remarkably good at helping people to build personal relationships through initiatives like the alumni association. I liked the idea of going somewhere for my degree where I was not tied to a national legal framework and could rethink the fundamental issues underlying the law in the areas that I practice. The ELLM has given me the opportunity to delve into topics that I would have otherwise not had the time to do, with people that can help me through them. It's made me a better lawyer already."

Josh Newton, Attorney, Karnopp Petersen

My start-up is developing a new class of therapeutics to treat cancer. After completing the ELLM, I have a better vision of all the different departments of the company, including the financial, legal and corporate side.
I now understand how attorneys are thinking. The program provided me with many new skills: how to prepare a deal, draft an agreement, file a patent, and choose appropriate fundraising strategies.

Romain Micol, CEO, Combined Therapeutics

Technology is moving fast, whereas legal developments regulating the same are slow. It was important for me to find a place where real research was happening in the area in which I practice. LSE has a community of researchers who are concerned with emerging issues and provide solutions. The ELLM program allows me to participate in that.

Rajesh Vellakkat, Partner, Fox Mandal

It was important for me to keep one foot in the academic world and deepen my expertise in the areas that I am working. The reason I chose LSE was that it allowed me to do that in an international environment. We had intensive classes on economics and business, on how to run a company, and these are precisely the things that will be useful for my start-up.

Carole Moudon, CEO and Legal Advisor,
MDN Development Sàrl

LLB, LLM and MSc Prizes

LLB Year 1

Norton Rose Fulbright Prize
Joint Winners of Best Performance in the First Year
Nathan Gayer De Mena
Jonathan Tan Jen Yi

John Griffith Prize
Joint Winners of Best Performance in Public Law
Jonathan Tan Jen Yi
Jessica Ma

Hughes Parry Prize
Winner of Best Performance in Contract Law/Law of Obligations
Amy Whitaker

Hogan Lovells Prize
Winner of Best Performance in Law of Obligations and Property I
Willem De Vries

Dechert Prize
Winner of Best Performance in Property I
Maha Panju

Dechert Prize
Winner of Best Performance in Introduction to the Legal System
Harry O'Donohue

Nicola Lacey Prize
Winner of Best Performance in Criminal Law
Skye Lee

LLB Year 2 and Year 3

Slaughter and May LLP Prize
Winner of Best Performance in Year 2
Ana-Maria Anghel

Morris Finer Memorial Prize
Joint Winners of Best Performance in Family Law
Ana-Maria Anghel
Nicola Ho

Slaughter and May LLP Prize
Winner of Best Performance in Year 3
Alicia Lim

Lecturers' Prize
Winner of Best Performance in Jurisprudence
William Wong

Law Department Prize
Winner of Best Performance in the Full-Unit Dissertation
Allegra Enefer

Sweet and Maxwell Prize
Winner of Best Performance in Year 2
Charlotte Culley

Sweet and Maxwell Prize
Winner of Best Performance in Year 3
Matthew Unsworth

Blackstone Chambers Prize
Winner of Best Performance in Law and Institutions of the European Union
Charlotte Culley

Blackstone Chambers Prize
Winner of International Protection of Human Rights
Austin Chan

Blackstone Chambers Prize
Winner of Commercial Contracts
Qian Chew

Blackstone Chambers Prize
Winner of Best Performance in Public International Law
Jennifer Fernandez Owsianka

Clifford Chance Prize
Winner of Best Performance in Property II
Jason Lin

Linklaters LLP Prize
Winner of Best Performance in Commercial Contracts
Seunghyun Moon

Lauterpacht/Higgins Prize
Winner of Excellent Performance in Public International Law
Jakub Bokes

Old Square Chambers Prize
Winner of Best Performance in Employment Law
Lauren Wylie

Hunton Andrews Kurth Prize
Winner of Best Performance in Information Technology and the Law
Lauren Wylie

Herbert Smith Freehills Prize
Winner of the for Best Performance in Conflict of Laws
Alicia Lim

Department of Law Prize
Winner of Excellent Performance in Law of Evidence
Nour Jishi

Mike Redmayne Prize
Joint Winners of Best Performance in Law of Evidence
Carol Menezes Cwajg
Rachel Chow Yan Tong

Pump Court Tax Chamber Prize
Winner of Best Performance in Tax and Tax Avoidance
Jacob Mills

Hogan Lovells Prize
Joint Winners of Best Performance in Law of Business Associations
Jeanette Faith Lee
John Raji

Slaughter and May LLP Prize
Winner of Best Overall Degree Performance
Jakub Bokes

LLM 2018/19

Blackstone Chambers Prize
Best performance in Commercial Law
Romualdo Canini

Blackstone Chambers Prize
Best performance in Public International Law
Andrew Duncan Barlow, Thomas Robert Hunter Galloway

Laura Devine Prize
Best performance in Human Rights
Shay Buckley

Lauterpacht/Higgins Prize
Best performance in Public International Law
Victoria Imogen Gregory

Lawyers Alumni Prize
LLM – Best overall mark
Fiona Joy Mcdonald

Louis-Frederick Cote Prize
Best LLM dissertation in Tax Dispute Resolution and Related Issues
Penelope Delphine Marie de Fournoux la Chaze

Otto Kahn Freund Prize
Best performance in Labour, Family, Conflict of Laws, Comparative, European Law
Giulia Barbone

Oxford University Press
Best dissertation
Romualdo Canini
Sean Patrick O'Reilly

Pump Court Tax Chambers Prize
Best performance in Taxation
Sebastian Gazmuri Barker

Stanley De Smith Prize
Best performance in Public Law
Noah Wernikowski

Valentin Ribet Prize
Best performance in Corporate Crime
Yahia Boussabaine

Wolf Theiss Prize
Best performance in Corporate and Securities Law
Romualdo Canini

MSc Law and Accounting 2018/19

Herbert Smith Freehills Prize
Tongdan Chen

Mooting

Willem C. Vis International Commercial Arbitration Moot 2020
Pieter Sanders Award for Best Memorandum for Claimant; Honorable Mention for the Memorandum for Respondent
Jason Lin, Jacob Mills, Diana Stoean, William Wong, Su Nahmias, Warren Suen

PhD and MPhil Completions

Law Department students awarded their PhD in the academic session 2019/20 (**lse.ac.uk/law/study/phd/completions**):

Martin Clark

"The international and domestic in British legal thought from Gentili to Lauterpacht"

Supervisors: Professor Gerry Simpson and Professor Tom Poole

Sroyon Mukherjee

"Context-driven choices: environmental valuation in the courtroom"

Supervisors: Professor Veerle Heyvaert, Dr Margot Salomon and Dr Tatiana Flessas

Zlatin Zlatev

"Approaches towards the concept of non-pecuniary losses deriving from breach of contract"

Supervisors: Dr Charlie Webb and Dr Solène Rowan

Law Department students awarded their MPhil in the academic session 2019/20:

Wendy Teeder

"Judicial review and the vanishing trial"

Supervisors: Professor Linda Mulcahy and Dr Meredith Rossner

PhD PROFILE

Questioning the role of the individual in data protection law

Katie Nolan, PhD candidate

Data protection law has taken on new importance in our public discourse, with increasing awareness of the significance of data mining practices to our individual and collective good. Whether you are concerned about phone eavesdropping on private conversations, or licensing of health data by the NHS to private corporate interests, or the abuse of profiling technology for the purposes of electioneering, EU data protection law reaches into more and more areas of great social concern.

Since the advent of the General Data Protection Regulation (GDPR), there is increasing public awareness of the legal regime which seeks to regulate such activities. While some might equate data protection with annoying cookie notices or emails about privacy policy updates, we should not forget that the data protection regime is the foundation for how our data is treated and shapes our digital lives. My project investigates one aspect of this legal regime, in particular the role that individuals play under the GDPR and the associated assumptions about the qualities and capabilities of individuals which inform their legal position.

In some ways, my interest in data protection arose through circumstance. I have always been interested in technology and the relationship between technology and law, but had not had the opportunity to study information technology law. While training as a solicitor in Ireland, I happened to do a rotation with the data protection team, and very quickly knew that I had found my niche. I spent three years as a data protection specialist with a large commercial law firm, primarily advising large technology companies. During this time, I felt a creeping dissatisfaction with the manner in which data protection law purports to protect us. I took leave from my position at the law firm, to undertake a LLM with an information technology specialism at UC Berkeley. From there, it was clear to me that the best way to seek to address the kinds of questions and issues in which I was interested was through doctoral research. That has brought me to LSE, and to my excellent supervisors Professor Andrew Murray and Dr Orla Lynskey. While here, I have also been lucky enough to teach LSE undergraduate classes on the Information Technology and the Law course, and every week get to discuss some cutting edge issues with the brilliant LSE students.

> I am investigating the way in which the role of the individual in EU data protection law is founded on a certain vision of the individual.

My research project seeks to identify the role the individual plays in the EU data protection framework, both as the subject of protection and a responsible legal subject, and then analyse certain assumptions which underpin that role. While the project is still evolving, my hypothesis is that the understanding of the individual encapsulated in the EU data protection framework is unduly narrow, and has the consequence of over-burdening and under-protecting individuals, undermining the effectiveness of the legal regime.

The individual is central to the GDPR, which is founded on a fundamental right, and takes as its objective the protection of individuals. I am investigating the way in which the role of the individual in EU data protection law is founded on a certain vision of the individual. In adopting a certain position for the individual, it seems the legal regime makes a series of assumptions. These assumptions, about how we act in relation to one another, as well as capacity and inclusion, seem challenged by certain features of the technology environment which data protection law seeks to regulate. I am interested in what this narrow conception means for the efficacy of data protection law, both in terms of its general capacity to protect individuals, and also for vulnerable individuals.

PhD PROFILE

The Anthropocene: When and where, if at all

Alex Damianos, PhD candidate

The Anthropocene refers to the current geological age, viewed as the period during which human activity has been the dominant influence on climate and the environment. That, at least, is the definition in the Oxford English Dictionary. Geologists would say that it is technically not true, that the Anthropocene remains an undefined buzz word; at best, an interesting idea, but one that remains to be agreed upon in any meaningful way by the geological community at large.

You might ask, "why does the geologist's agreement matter?" Countless books and journal articles have been published and founded in the name of the Anthropocene, and the popular press makes use of the term without hesitation as to its formal, geologic definition. But geology works differently. For reasons that I attempt to explain in my PhD, the definition of a geological unit requires the submission of a formal proposal to three separate bodies, the Subcommission on Stratigraphy, the International Commission on Stratigraphy, and the International Union of Geological Sciences. Each of these bodies (in that order – it is a strict hierarchy) must review the proposal and decide, by a majority vote of at least 60 per cent, whether to formalise the new unit or not. If all three bodies agree, the new unit is formally ratified, which means that it is included in the Geologic Time Scale, which is for geologists what the periodic table of elements is for chemists. The Scale displays the classification of strata that have evolved over four and half billion years of earth history.

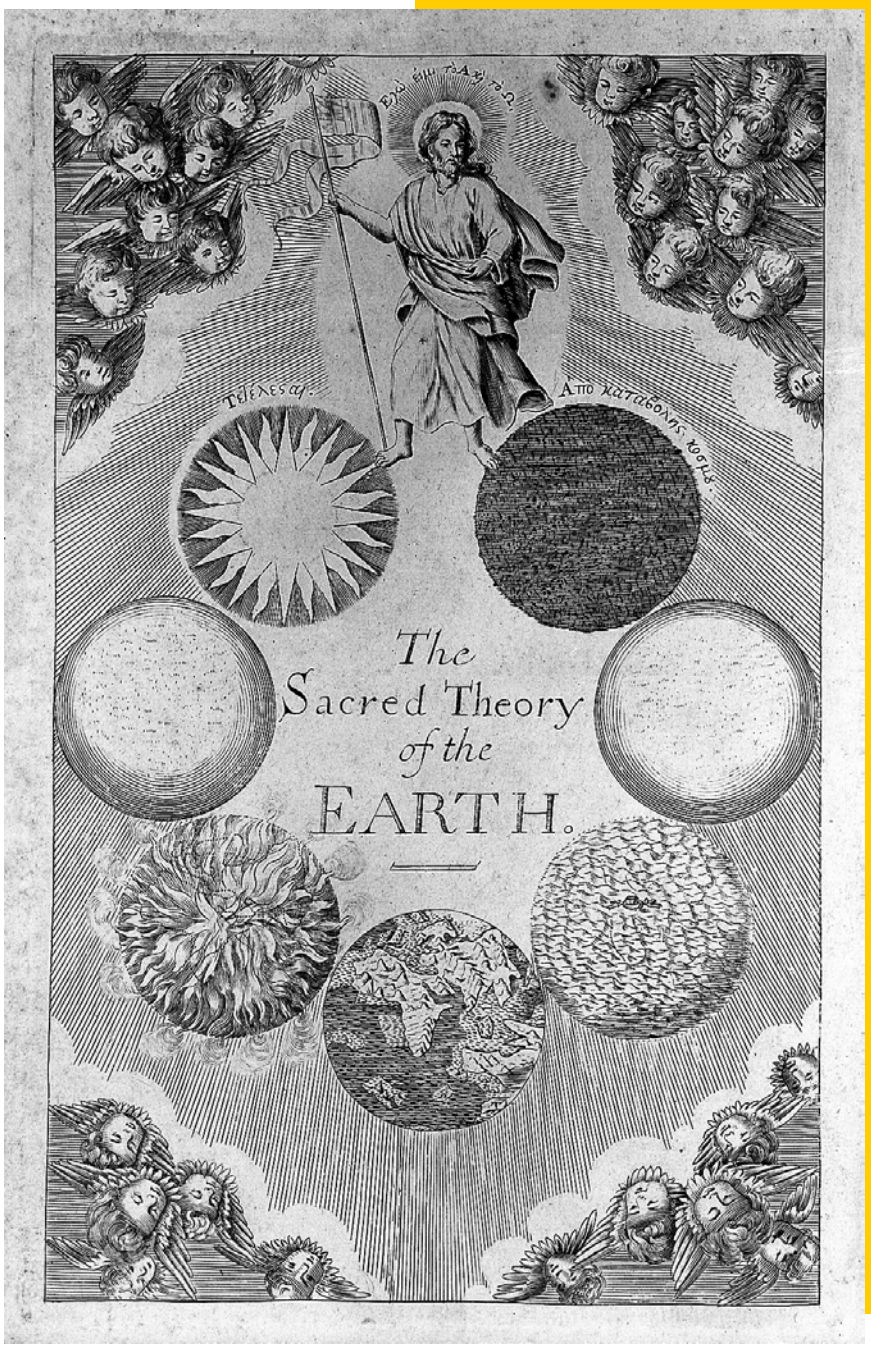
The geologists tasked with convincing these bodies are called the Anthropocene Working Group, commissioned in 2008 by the Geological Society of London to review whether the Anthropocene merits formalisation as an official unit of the Geologic Time Scale. I use ethnographic methods such as peer observation and interviews to develop a descriptive understanding of the formalisation of a new unit of geological time. This is, of course, no ordinary unit of geological time. It is one that seeks to contextualise human activity within the entirety of the earth's history. In other words, there is a profound, reflexive element to the work of the Anthropocene Working Group, whereby a branch of natural science seeks to address a pressing concern: how to account for anthropogenic degradation of the environment. The group currently propose the mid-twentieth century spike in plutonium fallout from nuclear weapon detonations as the start date for the Anthropocene. They also invoke the concept of *techno*fossils, noting that the entire metro system of cities the world over will leave a visible marker for billions of years; damming and large scale infrastructural works have influenced the global flow of sediment; artificial fertilisers have fundamentally altered the chemical constitution of our oceans. These changes are as significant as the kinds of events that have successfully defined new units previously. They may have occurred gradually over a lifetime, but in geological parlance, these are microscopic periods of time. The Anthropocene Working Group has to reconcile what are, for geologists, contradictory temporalities.

There is plenty of research articulating the significance of these changes. In my research, as an ethnographer of science, I am more interested in how the geologists themselves make sense of this apparent paradox of time and space, according to which a relatively insignificant event (humanity), can take on *geological* significance within the four and a half billion years of earth forming events. I want to understand, in other words, how the Anthropocene is controversial to those who claim primary authorship over it.

What I've found is a fundamental discrepancy in the way different geologists represent the relationship between geologic time and space. This relationship has occupied the earliest thinkers in this field, starting with the frontispiece of Thomas Burnet's *Telluria Theoria Sacria* of 1681, in which he represents the evolution of Earth as a series of discrete events that orbit the feet of God. The Earth is portrayed as progressing in a clear, linear direction from a state of chaos to a burning star. Yet from this, he argued, emerges further planets, such that the linearity of time is in fact an endless cycle. This representation poses the question: does geology measure time or space? Subsequent attempts by the International Geological Congress to establish a single set of international geological standards have been consistently undermined by continued debate over how to characterise the relationship between geologic time and space. The analogy of an hourglass is often invoked: is the remit of

geology the sand that flows through the hourglass in a given period, or the temporal interval of the sand that has flown through the glass?

This is important because one criticism that the Anthropocene often receives from geologists is that it is too recent, geologically speaking, to know whether it is an event of any significance, in the context of Earth's history. Those advocating its acceptance respond that the Anthropocene would only define the start of something, evidenced by important chemical and biological changes: they are not attempting to predict the future, but only to describe the significance of changes that have already occurred. This tension, between a short duration and significant geological changes captures the fundamental conceptual dissonance in the geologic mode of observation. In this sense, far from being something new, the Anthropocene is in fact just the most recent iteration of a problem that has been present in geology since its beginnings, and which remains unresolved.



The theory of the earth: containing an account of the original of the earth, and of all the general changes which it hath already undergone, or is to undergo till the consummation of all things.. Credit: Wellcome Collection. Attribution 4.0 International (CC BY 4.0)

PhD PROFILE

> For my PhD research, I am particularly interested in the role played by digital media in reframing vaccination debates and controversies and in the ways in which these might differ from, or be similar to, their historical predecessors.

Anti-Vaccination Activism in a Digital Age

Francesca Uberti, PhD candidate

Two years before I started my PhD, I graduated from LSE's MSc in Law, Anthropology and Society. This course was not only a very important influence in my decision to apply to LSE's PhD programme, but it introduced me to a different way of approaching the law, paying special attention to its materiality and social manifestations.

The idea for my master's dissertation (which formed the basis of my PhD application) came after reading about a significant measles outbreak that had erupted in California in the winter months of 2014 and 2015. The outbreak had been linked to a Disney theme park in the American state, and within a few months had affected more than one hundred people in a country where measles had not been endemic since 2000. Of the people infected with measles in this outbreak and other outbreaks occurring in the same period, about a half were known to be unvaccinated. Of this group, the Center for Disease Control (the leading public health agency in the US.) reported 43 per cent had "philosophical or religious objections" to vaccination, while another 40 per cent were ineligible for the vaccine, either because they were too young or because of a medical condition.

While measles is sometimes considered a harmless enough childhood disease, it can lead to some very serious health complications – such as pneumonia, encephalitis and SSPE, a rare but fatal nervous disease that can develop about 10 years after a person has contracted the measles virus. These complications used to lead to hundreds of deaths every year, before a vaccine for measles was introduced in the 1970s. Why then, were people refusing the vaccine now, decades after it had been introduced? What were these "philosophical or religious reasons" cited as basis for vaccine refusal? Researching the matter for my dissertation I learned that while in the UK vaccination has been voluntary for a long time, US parents who want to enrol their children to school have to either prove that they have received certain mandatory childhood vaccines or apply for a vaccine exemption – which, in states such as California, could be medical, religious or "philosophical" in character. However, a few months following the outbreak, the Californian legislature passed the Senate Bill 277, which repealed all non-medical vaccination exemptions in the state. This move on the part of the American state deeply outraged and mobilised a range of small – but very vocal – vaccine-critical groups, which I saw proliferating online – and on whose arguments and narratives I decided to focus in my research.

For my PhD research, I am particularly interested in the role played by digital media in reframing vaccination debates and controversies and in the ways in which these might differ from, or be similar to, their historical predecessors. I have been looking at historical archives which document organised resistance to vaccination in the UK as early as the 19th century, which might be surprising as anti-vaccination activism is often thought of as a contemporary phenomenon. The Victorian anti-vaccination movement produced a wide array of printed propaganda: magazines, pamphlets, leaflets, posters, prints, and photographs, all compellingly designed to covey the "danger" of smallpox vaccination to the public. When looking at the Victorian anti-vaccination movement's impressive ability to exploit the power of media to diffuse their message and push for policy change, the parallels with their contemporary counterparts are quite striking. Focusing on media, therefore, my research project studies the ways in which the phenomenon of vaccination resistance plays out in online spaces, adopting a grounded theory approach – a qualitative research approach focused on the careful coding and construction of categories from empirical data to construct theory from the "bottom-up" – to better understand the interaction of "vaccination critical publics" on internet fora. The idea behind conducting empirical research is that knowing more about the narratives and practices of those who oppose vaccines can help us to evaluate different legal and policy approaches to childhood vaccinations. These approaches have become more multi-faceted in recent years: I am looking, for instance, not only at whether it would be appropriate or desirable to introduce mandatory vaccination policies but also at the usefulness of measures to reduce visibility of online content for the sake of public health – which are particularly salient in a context where tackling "fake news" and online misinformation has come to the fore as a public issue.

During the PhD, it is not always easy trying to juggle different roles and activities within the university. Luckily, I have had the support of my peers and members of the Law department at LSE – particularly my supervisors, who have been extremely encouraging and understanding while pushing me to achieve my best work!

EVENT

Women, Reproductive Rights and the Law: A Conversation between Judges and Academics

Dr Jan Zglinski, Assistant Professor of Law

The Law Commission has issued a call for a reform of the UK's laws on surrogacy. LSE Law brought together four leading practitioners and academics to discuss the proposal and other pressing issues surrounding women's reproductive rights.

When Kim Cotton acted as a surrogate in 1985 for a Swedish couple who were unable to conceive, and received £ 6,500 through an arrangement made with the help of an American agency, the news prompted outrage among the British public. In a fast-track process, the UK legislature adopted the Surrogacy Arrangements Act which prohibited commercial surrogacy and made it a punishable offence. Since then, society has changed and, with it, attitudes towards surrogacy. Yet, the law governing surrogacy has largely remained the same. It is against this background that the Law Commission published a consultation paper last year in which it makes a case for legislative reform.

The Department of Law hosted an event at which four leading names in the field of women's reproductive rights – Deirdre Fottrell, Rachel Karp, Emily Jackson and Dame Lucy Theis – discussed the Law Commission's initiative. The proposal comes at a time where many countries are adopting or revising their legislation on surrogacy, even if the direction taken varies considerably. While the majority of continental European states prohibit surrogacy altogether, emphasizing the need to prevent the commodification of women's bodies and the potential for human rights abuses, other countries, such as the UK, are making an effort to facilitate the practice while ensuring adequate protection for all parties involved.

Perhaps the most significant innovation in the Law Commission's paper concerns legal parenthood. It sets out a new "pathway" for surrogacy that would allow intended parents to become legal parents upon the birth of the child, something which is currently impossible. Intended parents must make an application to the court after the child is born and only become legal parents once they are granted a parental order. The process is lengthy and burdensome. What is more, parental orders have, as Deidre Fottrell explained, a transformative effect for the child as well as both the intended and biological parents. Complications at this stage can have severe psychological, social and religious implications, some of which cannot be reversed.

A second issue concerns the question of payment. Under current law, the surrogate can only be paid "reasonable" expenses – but what is and what is not reasonable is far from clear. Payments in the UK appear to range typically between £ 12,000 and 15,000, but sums of up to £ 80,000 have been reported. Should surrogates be openly paid for their service rather than just for reasonable expenses? While some of the panelists argued that this would be a more honest solution, reflective of current realities in which payments cover more than just the actual expenses incurred, others were more sceptical, emphasizing the risk of exploitation of socio-economically underprivileged women. The Law Commission's proposal does not make recommendations on this point and merely explains the manifold forms which payment can take, ranging from a reimbursement of the additional costs of pregnancy, to compensation for loss of earnings, to a flat fee.

The opposite problem can arise in the context of international surrogacies. Intended parents often enter in agreements with surrogates abroad in order to take advantage of lower surrogacy fees and regulatory standards, which has turned some countries, such as India and Georgia, into popular destinations for surrogacies. This can go hand in hand with poor conditions for and exploitation of the women involved. It raises the issue as to whether there should limits as to how little intended parents should pay. Further, it demonstrates the need for adequate standards and effective enforcement. The Law Commission suggests the creation of a special regulator and regulated surrogacy organisations, who will oversee surrogacy agreements.

A connected issue is the possibility of "social" surrogacy. Should access to surrogacy only be possible where parents cannot have a child? Or should it be allowed for everybody? Again, opinions were divided. Dame Theis pointed to developments in the US, where some employers financially incentivise their female employees to freeze their eggs. Emily Jackson agreed that this was ethically difficult terrain. However, if every person involved consents, was it the law's business to intervene?

The discussion between the panelists clearly demonstrated how difficult a task it is to regulate in this area. Not only must a balance be struck between the interests of the child, the surrogate, and the intended parents, but additional medical, social, and economic considerations must also be taken into account. The Law Commission's final report is expected in early 2022. The recommendations it sets out are likely to result in a reform of the UK's surrogacy laws.

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EVENT

Code of Conduct: On the Future of Legal Professions

Dr Floris de Witte, Associate Professor of Law

On Wednesday 13th November, LSE Law hosted a fascinating discussion on the future of legal professions. Professor Veerle Heyvaert hosted a range of stars – both from LSE Law and beyond. While Orla Lynskey, Andrew Murray and Eva Micheler represented the views from within LSE Law; Christina Blacklaws (the former Chair of the Law Society and Chair of the Government's Technology Panels), Lord Reed (President of the UK Supreme Court), and Professor Richard Susskind (the Technology Adviser to the Lord Chief Justice) offered the regulatory and judicial perspective.

The focus of the evening was the question how advances in IT might alter how we "do" law. How can we square the transformative power of digitalization with the need for law to, fundamentally, deal with how humans live their lives in an increasingly complex and fractured society? The roundtable broke this topical question down into a number of interesting perspectives, ranging from the interaction between IT and legal practice; between IT and adjudication; and between IT and access to justice.

Professor Richard Susskind kicked off the discussion by highlighting the exponential technological changes taking place today, ranging from quantum computing to the sheer wealth of information produced online on a daily basis; and from AI to big data. This clearly has an impact on law. Lex Machina, developed at Stanford University, by using large numbers of data sets, for example, is statistically better able to anticipate the outcome of patent disputes than patent lawyers. AI machines are significantly better than humans

Above, left to right: Professor Veerle Heyvaert, Professor Richard Susskind, Dr Eva Micheler, Christina Blacklaws, Lord Reed, Professor Andrew Murray, Dr Orla Lynskey

at recognising facial expressions. What does this all mean for those involved in law, whether professionally, as a litigant, or as a defendant? How do tech and law interact in these domains that have operated in the same way for hundreds of years? For Susskind, the next 10 years will determine how we think about these questions – and in particular the way the role of machine learning and artificial intelligence is designed. Obvious ways in which machine learning might aid the legal system is by securing access to justice, decreasing backlogs or offering legal certainty for clients – for example through the use of online courts for a certain type of cases. But could AI ever replace the judge? Susskind suggests that while that is technologically impossible today, machines might be used by litigants or judges to help predict outcomes or compare outcomes. Eva Micheler, commenting on Susskind, suggests that the use of tech could even lead to us thinking differently about the legal system, wherein judges are more hands-on in the management of cases; but she also offers a cautious note about the distributive effect and unintended consequences of technological changes. In a sense, Micheler suggests that we need to carefully think about these consequences when we design new judicial structures.

Christine Blacklaws focused on the legal, societal and moral challenges that come with the rise of AI, in particular when it comes to the role of law, and the role of courts. The use of algorithms in the legal sector, and particularly in criminal justice, poses all sorts of contentious questions with potentially disastrous consequences for defendants. Blacklaws ran a Law Society program that brought together computer scientists, lawyers, and specialists in ethics to answer these questions. The first thing that struck them was how all-encompassing the changes to criminal justice are that the use of data might bring: from data mining to evidence finding; and from digital crime to machine predictions of reoffending rates. The results from the use of tech by law enforcement is, at best, mixed. Algorithms can be of good use in streamlining some procedural aspects of the criminal justice systems, or in strategic disruption of criminal networks. At the same time, there is a lack of coherence and lawful basis for the use of algorithms today. Throughout the United Kingdom, some systems of facial recognition operate without a clear legal basis, and come with significant legal challenges. More generally, many pieces of technology are introduced on an ad-hoc basis, which means there is a lack of critical scrutiny and coherent debate about their use and consequences. Ultimately, this risks undermining the rule of law, for example where subjective biases are reflected in the algorithms, or data privacy norms are not internalized. The Law Society suggested, in response, a revamp of the institutional oversight of the use of algorithms in the criminal justice system and a new statutory code that protects the privacy of the citizens. It also highlighted that often the algorithmic codes are purchased from the private sector, which might need to be supplemented with in-house public capacities for the different institutions that play a central role in criminal justice. Orla Lynskey, in a brief response,

suggested that a lot of the algorithmic systems are a form of hybrid public-private partnerships, which sits uneasily with data protection principles. Where data is processed by private partners and through private sources, but is then used in public functions – such as criminal justice decisions – we are faced with a very odd legal situation. The same takes place where algorithms are used not to inform choices pertaining to the individual but on a more general level; where the individual right to question the use of data is meaningless and the consent of the citizens unclear.

The final session of the event was a discussion between Andrew Murray and Lord Reed, focusing on how access to justice can be organized in light of technological changes. Lord Reed highlighted that while the use of IT can easily help access to justice, subject to a number of caveats that are meant to protect the fundamentals of the judicial process, such as equality and openness. This means that when it comes to courts, the risks that come with the use of IT need to be considered very carefully, as adverse results would be highly detrimental to the legitimacy of the legal system. Lord Reed also stressed the distributive consequences of any change to the legal process, including technological changes. When Andrew Murray highlighted the problematic way in which legal databases are becoming the focus of private businesses, Lord Reed responded that this development has the potential of limiting ways in which law can be developed by responding to changes in the environment. At the same time, data can only ever get us so far: law is, ultimately, about reasoning and applying information to a reality that is highly complex and multi-faceted. On Murray's prompt whether a robot will ever sit at the UK Supreme Court, Reed highlighted that for the time being, the best successors of the current crop of judges at the Supreme Court are… fellow human beings.

Clearly, given the brilliance of the contributors and the fascinating question, the panel could have still been ongoing. Perhaps once AI takes over..

A podcast is available on LSE Law website.

EVENT

LSE Public Law Tradition

Professor Martin Loughlin, Professor of Public Law

LSE was founded in 1895 by a group of Fabian intellectuals as a modernist, rationalist and socialist project. Its driving force was the partnership between Sidney and Beatrice Webb. They had been inspired by the achievements of German social democracy and developments in French social science and especially by Auguste Comte's thesis that human thought passes through three stages – the theological, the metaphysical and the positive – and that this third stage, the age of science, was only then emerging.

Modelling LSE on the example of the *Ecole libre de sciences politique* founded in Paris a decade or so earlier, the Webbs took the School's mission to be that of establishing a social science institution that would equip the administrative and political classes with both the technical skills and the values and ideals they needed to run the modern British socialist state. Law was a central aspect of the mission, but the conception of law they advanced was neither that of a metaphysical entity nor as a cultural artefact that could offer insight into the distinct genius of the English people. In the age of science, law was to be seen simply a means to an end, a technique that could be used to do good or evil and which, harnessed to a progressive politics, would be deployed to build a more just society.

It is precisely because of this radically different orientation that the School's legal scholars have done so much to develop the study of tax law, banking law, commercial law, labour law … and public law. And without undervaluing that body of scholarship, I want to suggest that their work in advancing the study of public law is the most distinctive contribution that LSE scholars have made to modern British legal thought and practice.

Beatrice and Sidney Webb

Last year, the Law Department held the series of events celebrating its centenary; this was because the first chair in law was established in the School in 1919. With respect to public law, the significant date is 1920; this marks the appointment to the School of the scholar who did most to establish the intellectual framework through which LSE public lawyers developed their distinctive method. But rather than try to sketch the entire history, I want only to note the achievements of the first three generations of public law scholars.

If Harold Laski stands alone in the first generation, he was soon followed by two colleague disciples, William Robson and Ivor Jennings. By the third generation, I refer to those scholars who joined in the immediate post-WW2 period, notably John Griffith, John Mitchell and Stanley de Smith. The School did not actually establish a chair in public law until the post-war period; this was held successively by de Smith and Griffith. And Griffith's retirement in 1984, I suggest, signals the end of the period under consideration.

Before sketching their achievements, the controversy over public law should be placed in context. Extolling the rule of law as the universal rule of the ordinary law, the English common law opposed the distinction between public law and private law. As AV Dicey, the high priest of constitutional orthodoxy, once put it: we in Britain know nothing of *droit administratif* and wish to know nothing of it. The challenge that LSE public lawyers faced – almost single-handedly and in the face of vehement opposition from the legal establishment – was to make the case that the legal challenges presented by the emergence of a modern interventionist state in Britain could not be addressed until the distinctive character of public law was accepted.

The founding scholar was not actually a lawyer. Yet no one did more than Harold Laski to establish the intellectual framework within which LSE public law tradition evolved. Laski joined LSE in 1920, in 1926 was appointed, aged 33, to the chair of political science and remained here until his untimely death in 1950. Laski was such a powerful force in British thought that when he died the Oxford historian, Max Beloff, suggested that the interwar period would become known as "the age of Laski".

It is impossible to do justice to his achievements here, so I will speak only of his formative years. After graduating in history from Oxford, he taught at McGill University in Montreal where a chance meeting with Felix Frankfurter, then a young administrative lawyer teaching at Harvard, led to the latter convincing Harvard to recruit him. Laski taught in the College but maintained intimate connections at the law school. This was the moment when Langdellian formalism was breaking down and legal realism emerging. Laski not only imbibed the atmosphere but provided the conduit for bringing the latest continental European ideas on public law to an American audience. In 1919 he translated Léon Duguit's *Les transformations du droit public*, though, given common law sensitivities, he re-titled it *Law in the Modern State*. He also

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The Fabian Window

rapidly produced three monographs – *Studies in the Problems of Sovereignty* (1917), *Authority in the Modern State* (1919) and *Foundations of Sovereignty* (1921) – which provided a comprehensive critique of the dominant legal positivist accounts of state, sovereignty and authority.

On joining LSE, Laski became the main conduit for the reception of American legal realist methods into English legal scholarship. These methods fashioned his approach to public law. In 1925 he published his magnum opus, *A Grammar of Politics*, Part I of which outlines the basic concepts of modern politics and Part II examines the institutions needed to actualise these principles in the modern state The book is mistitled; it actually lays down a programme for reconstituting the modern state. Since it establishes the skeletal framework on which public law scholars of the next generations were to put flesh, it might be more accurately called a grammar of public law.

Laski's work was advanced by Robson and Jennings who, joining LSE staff in the mid-1920s, immediately challenged Dicey's legacy. In *Justice and Administrative Law* (1928), Robson undermined his account of the rule of law by showing that a great body of administrative law already existed and arguing that the real challenge was to give it some order and coherence. In *The Law and the Constitution* (1933), Jennings presented an alternative to Dicey's conceptualistic account of parliamentary sovereignty. Thereafter, Robson and Jennings together advanced a practical conception of public law as the law relating to public institutions.

What followed was a massive body of work explaining the legal framework of the modern state. Jennings wrote standard works on cabinet government and parliament, Robson on the British system of government, the civil service and the system of local and regional government and both wrote a huge amount on urban planning, public finance, social security and, in the postwar period, on nationalised industries and the welfare state. Robson remained at LSE throughout his career, from 1947 occupying the UK's first chair of public administration. Jennings left in 1940 to become vice chancellor of University College Ceylon (now Sri Lanka), returning to Britain in 1956 to become master of Trinity Hall Cambridge. Their studies established a sound platform for the third generation.

Griffith and Mitchell had both been undergraduates at the School in the late-1930s and after war service returned as lecturers. Griffith was to remain until his retirement in 1984, becoming Professor of English law in 1959 and then occupying the public law chair until his retirement. Mitchell left in 1954 to take up Edinburgh's chair of constitutional law. De Smith joined LSE from studies at Cambridge and from the late-1950s until 1970, when he returned to Cambridge as Downing Professor, he held the public law chair. Griffith and Mitchell, whose postgraduate studies were on delegated legislation and the public law of contracts respectively,

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worked entirely in the established tradition in advancing institutional analysis, with Griffith producing innovative studies of Parliament and central-local government relations and Mitchell in 1964 publishing a brilliant institutionalist account of British constitutional law (albeit with a Scottish inflection). A flavour of his method can be gleaned from an article he published in 1965 on the causes and consequences of the lack of a system of public law in Britain.

De Smith's achievement also signals variation. During the 1950s he worked on his doctorate while teaching, publishing it in 1959 as *Judicial Review of Administrative Action*. This astonishing work of historical scholarship and rational synthesis converted the haphazard practices and precedents of the prerogative writs into a subject with firm juristic foundations. In one sense, de Smith worked within the tradition of developing British public law on orderly lines. But it also enabled neo-Diceyans to absorb public law into the fold of the common law, leading many to come to equate public law with judicial *control* of public action, an outcome far from the ambition of the pioneering generations.

This overview ends in 1979. Although Griffith did not retire until 1984, in 1979 he published his Chorley Lecture on "the political constitution". This was a resolute defence of LSE public law tradition in the face of challenges presented by an emerging liberal rights jurisprudence. 1979 marks the closure of this chapter of the history because in that year a neo-liberal government was elected which, through four successive terms, would work to transform the basis of the British welfare state and erode many of the political assumptions on which LSE tradition was founded. That these post-1979 developments necessitate some reappraisal of the juristic foundations of the movement should not detract from celebrating their achievement in establishing the foundations of the study of public law in Britain.

ALUMNI

From the Lecture Theatre to the Dáil

Roderic O'Gorman TD

I undertook the LLM at LSE between 2004-05. I was straight out of my undergraduate law degree in Trinity College in Dublin. Moving to London was a big change and the year was academically challenging, but it was amazing to be taught by great lecturers like Rick Rawlings and Carol Harlow, Damien Chalmers and Imelda Maher. As someone passionate about the environment, it was unsurprising that EU Environmental Law with Veerle Heyveart was a particular favourite class.

When I returned home, I taught on a legal programme for people from immigrant and Traveller backgrounds, then I got a full-time lecturing job in Griffith College, a private college in Dublin. At the same time, I was doing my PhD back in Trinity. My research question (when I finally figured it out) was looking at the conceptualisation of social rights within EU citizenship. The lecturing/research balance didn't work out well, which is why the PhD ended up taking 5 years, but the job in Griffith gave me great experience in lecturing and running an academic programme.

In 2012, I moved to the School of Law and Government in Dublin City University. While there, I have taught EU Law, Constitutional Law, Planning and Development Law and Climate Change Law. My research interests focused on the intersection of the Global Financial Crisis on social and economic rights, as well as aspects of EU economic governance. I've also written on the constitutionalisation of environmental rights internationally. More recently, I've concentrate on climate change law in the EU and Irish context.

The flexibility of the academic career has always allowed me pursue my interest in politics. I'd been involved in the Green Party from a young age, but became deeply active from 2000. I'd run unsuccessfully for the local election the summer before I came to LSE. I was first attracted to the Party by its advocacy of environmental issues, but its policies on equality and social justice also struck a chord with me.

The Green Party had been the junior party in a coalition Government in Ireland from 2007-11, as the global financial crisis hit. Following this, we lost all our TDs (MPs) in the Dáil (parliament) and almost all of our local councillors. There was a huge job of rebuilding to undertake.

I was elected as Chairperson of the Party in 2011 and served in that role for the next eight years. During this period, we slowly built back support for the Party and both local and national level. I contested nine elections across this period. I was elected as a local councillor in 2014. I was re-elected at the European and Local Elections in 2019, topping the poll in my area. The Party had a very significant result, getting 49 councillors elected and 2 out of Irelands 13 MEPs.

This win gave me some momentum heading into the general election, but I shared my constituency with a number of really high profile TDs, including the Taoiseach (Prime Minister) Leo Varadkar. While environmental and climate changes had been prominent in the year running up to the general election in February 2020, the campaign itself was dominated by problems in our healthcare services and the lack of housing across the country. During the election, Sinn Fein experienced a major surge in support and ended up getting the highest share of the national vote. I could feel that surge in my own constituency, where there were 4 seats to be filled.

On the day of the count, I was in 4th position on the first count with 11 per cent of the vote, just 1 per cent ahead of one of the sitting TDs from the Solidarity Party. The Irish system of proportional representation and the single transferable vote means our counts go on for a considerable period of time and a candidate's position can change multiple times. On the second count, I was pushed down to 5th place, outside of the seats. I remained there until the last (6th) count, when a large number of transfers moved me back into 4th position and I took the final seat.

Getting elected as a TD has brought about a huge change in my life. I've finished up lecturing in DCU and also as a local councillor. The Green Party won 12 seats in the election, our best result ever, and we many now be involved in negotiations to form a coalition government. Like everywhere else, Ireland is grappling with the COVID-19 crisis. In my role as a parliamentarian, I'll work to maintain the expansion of our public health system that has been necessitated by this crisis. I hope to use the insight gained from my academic research to influence a strong national climate law, which will bring Ireland back on track to meet its Paris Agreement commitments. Enforcement of domestic violence legislation and making our treatment of asylum seeker more humane, are also areas I will prioritize. It is a huge honour to have been elected to the Dáil and I hope to make every moment of the next five years count.

"I hope to use the insight gained from my academic research to influence a strong national climate law."

Effecting Positive Change through Law

Carolin Ott, Solicitor

I started my LLB at LSE as an idealistic teenager knowing very little about what a career in law involved, but keen to learn about how to use law to effect positive change. At the time, I thought that I would study law but pursue a career in international politics. My time at LSE changed that.

Having narrowly escaped the temptation to travel down the common path of commercial training contracts, I emerged more committed to becoming a lawyer, but retained my desire to work in international institutions protecting human rights.

I followed the steps I had been told would enable me to secure a job at one, spending time gaining work experience at the International Criminal Tribunal for the Former Yugoslavia before embarking on an LLM at Harvard Law School. I was then told I faced a choice between two routes that could lead to a longer-term job in public international law – I could do fieldwork internationally or return to my home jurisdiction to gain litigation experience. I chose the latter route. In order to do so, I sat the New York Bar exam which opened the door for cross-qualification into England and Wales and meant I could skip the longer – more costly – training contract route.

After returning to London, I worked as an immigration and public law caseworker at a legal aid firm and then at a law center whilst studying for my cross-qualification exams. Although I was vaguely aware of test cases before this, it was this work that opened my eyes to their ability to do exactly what I had studied law to do – effect positive change. Whilst the asylum appeals that constituted the bulk of my work during this time allowed me to help individual clients, test cases provided an opportunity to set precedents that could help much larger groups. Having realised this led to me joining a team specialising in judicial reviews at Leigh Day.

Two recent cases I have worked on at Leigh Day provide examples of the potential test cases have to make a positive difference and have confirmed what I have only more recently learned – you don't have to travel far to be able to use law to effect positive change.

In *R (TP, AR and SXC) v Secretary of State for Work and Pensions [2020] EWCA Civ 37*, the Court of Appeal dismissed appeals by the Secretary of State for Work and Pensions ("SSWP") against two judgments of the Administrative Court concerning implementation arrangements for the Government's flagship benefits system, Universal Credit ("UC"). The Court confirmed that the arrangements discriminated against severely disabled individuals moved onto UC, contrary to Article 14 read with Article 1 of the First Protocol to the ECHR. The SSWP has since confirmed that she will not pursue an appeal, making the unanimous decision an important precedent providing a baseline for protection of severely disabled individuals moved onto UC against discrimination.

Last year, in another case brought on behalf of a man known as RR (*RR v SSWP [2019] UKSC 52*), the Supreme Court confirmed that Mr RR could ask a social security tribunal or even a local authority to disapply the secondary legislation which reduced his housing benefits payments due to application of the bedroom tax, and thereby resulted in a breach of his rights under the Human Rights Act. That decision led to over 150 individuals having their full housing benefit entitlement reinstated where their entitlement had previously been reduced because they had a second bedroom, even though that bedroom was needed for medical reasons.

Last years' landmark prorogation case, R (on the application of Miller) v Prime Minister [2019] UKSC 41, which sparked national interest in legal challenges to unlawful decisions by public bodies, illustrated why test cases (and judicial reviews in particular) are important. They can effect positive change for certain groups but can also hold public bodies and decision-makers to account. That is even more important now, during a time of a public health emergency in which government bodies are exercising powers capable of significantly affecting human rights. This has only reinforced my commitment to continue on a path I never imagined I would end up on.

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

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

How to get involved

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

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

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