LSE

RATIO

The Magazine of LSE Law

2021/22

Contents

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Welcome from the Head of Department

I am delighted to introduce the 2021/22 issue of the LSE Department of Law's annual Ratio magazine.

It will be no surprise that this issue examines the many ways in which the LSE Law community has worked through the pandemic. Take a look, for example, at our Research Insights special feature on our contributions to policy and research in the field; and how we came together as a community through the Convene @LSELaw programme on **page 38**.

That being said, COVID-19 has not stopped us from tackling the issues that continue to pose challenges in societies worldwide. We hear, for example, from Evgenia Chamilou, an LLM student who is committed to climate justice, and alumna Chrisann Jarrett, social-entrepreneur and co-CEO of We Belong, the UK's first migrant youth-led charity advocating for the rights of young migrants.

I hope you enjoy this year's issue,

Professor David Kershaw

RESEARCH INSIGHTS

COVID-19 and the Legal Landscape

Dr Cressida Auckland, Assistant Professor of Law

The emergence of COVID-19 has prompted an unprecedented degree of legal intervention into everyday life, and has raised fundamental questions about the relationship between the individual and the State. We have been forced to re-evaluate our responsibilities towards others, not least those in countries less well equipped to deal with the effects of a global pandemic. In this piece, **Dr Cressida Auckland** explores some of the ways in which the LSE Department of Law has contributed to the development of policy during the pandemic.

RESEARCH INSIGHTS

COVID-19 and the Legal Landscape

Access to Life-Saving Treatment

Professor Emily Jackson and Visiting Professor in Practice, **David Lock QC**, are both members of the British Medical Association's Medical Ethics Committee. They spoke to Dr Cressida Auckland about their advisory work in relation to the pandemic.

CA: Thinking back to the beginning of the pandemic, what kind of issues were you working on?

EJ: One of the most pressing issues which arose at the very beginning of the crisis was what healthcare professionals should do if the NHS ran out of critical care capacity, especially ventilators. For healthcare staff, one particularly challenging issue was whether there is an ethical difference between not allocating a patient a ventilator because you do not think they are likely to benefit quickly from it, and removing someone from a ventilator later in order to give it to someone who might benefit more quickly.

DL: While medical ethicists have had a clear view for some time that there is not an ethical difference between withholding and withdrawing care, there is, of course, an enormous difference in practice between saying to someone, "you are too ill to go on the ventilator", and saying to someone, "you have had your chance of seven days on ventilator, you haven't improved, we have to give it to someone else". Doctors differed on whether they thought this was lawful, and there was widespread concern that they might be sued, exposed to murder charges, or hauled before the General Medical Council. The British Medical Association had to advise doctors on how to confront these difficult issues.

CA: And what did you decide?

EJ: The guidance was that it is acceptable to trial ventilation on a person and if the trial does not work, to remove it so that it could be given to someone else. Fortunately, however, I do not think that situation arose in practice, thanks to the extraordinary efforts of NHS staff to increase critical care capacity.

DL: And it was not just ventilators: dialysis machines turned out to be, if anything, a more difficult facility to ration because kidney failure as a result of COVID-19 is quite common, and there were only limited numbers of dialysis machines.

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CA: Are there other big issues which arose later in the pandemic?

EJ: Another question which arose fairly early on was what healthcare professionals should do if they thought that the personal protective equipment (PPE) they had was inadequate. There have also been interesting questions arising about the mandatory vaccination of people working in care homes and hospitals.

DL: It is pretty clear, given people's rights under Article 8 ECHR, that you cannot force health and care workers to have a vaccination. The issue is whether it would be fair to dismiss somebody because they refused to have a vaccination. This is quite a complicated issue, but in principle the employer has a duty to create a safe space of work for other employees, and a duty of care to their patients or residents, so permitting someone to work on site who has chosen not to be vaccinated arguably breaches those two duties. I would expect an employment tribunal to conclude that, given the right factual situation, it may well be fair for employers to say that if you want to carry on working in this care home or hospital, you have to be vaccinated.

CA: David, have you done any other advisory work in relation to the pandemic?

DL: I have been working on a fascinating case, challenging the government's requirement that in order to go to a pub or restaurant, you had to have a "substantial meal", on the grounds of irrationality (since there was no evidence to support it) and race discrimination. The argument was that there is no difference in COVID-19 exposure between sitting and having a drink, and sitting and having a drink and a meal, but if you require people to buy a meal, you make the same exercise in going out to socialise that bit more expensive. Of course, that hits the economically disadvantaged people worst, and disproportionately affects those from ethnic minorities, so it is indirect discrimination on grounds of race.

This is an example of the fundamental re-writing of the contract between the government and the citizen. The government has put restrictions on us which we would never be accepted in other circumstances, but they must nonetheless ensure those need restrictions are rational and not discriminatory.

CA: It is a fascinating case. Have other legal issues related to COVID-19 arisen in your practice?

DL: COVID-19 has created a revolution in the way that professionals interact with patients, as so much more of it is now done remotely. This has been a catalyst to change the way that the NHS works, but it raises a lot of legal issues — of confidentiality, data protection, record-keeping. So it has been a very busy year!

RESEARCH INSIGHTS

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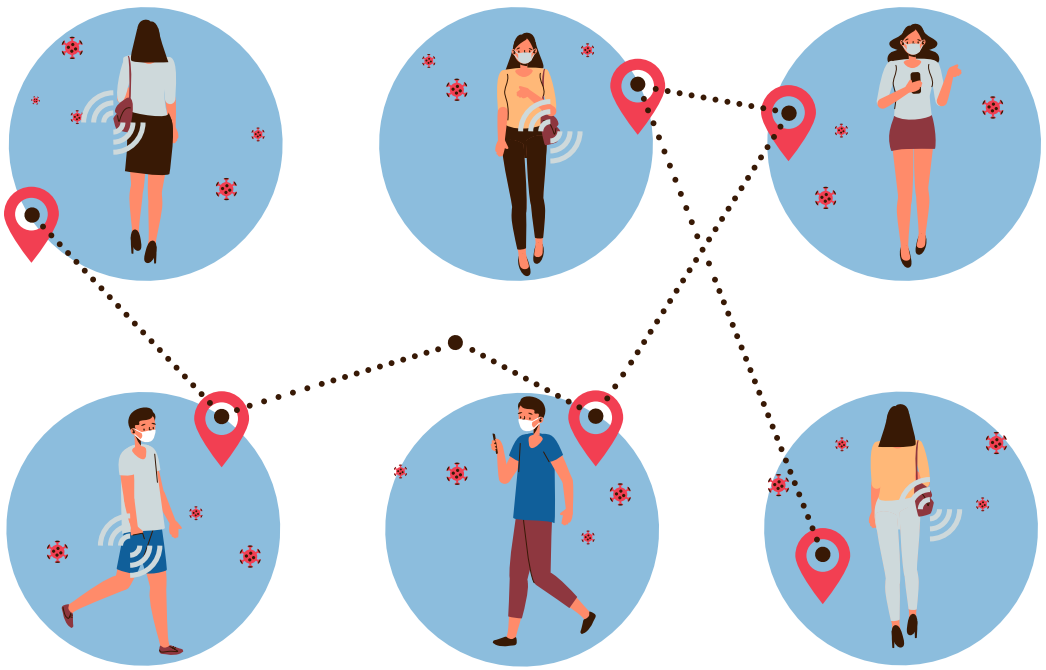
Guarding Privacy in Contact Tracing Apps

In May 2020, **Dr Orla Lynskey** **gave evidence** to the House of Commons Human Rights Select Committee on the data protection and privacy implications of the government's proposed contact tracing app.

In this, she cautioned that the app as it was designed was vulnerable to data security breaches and mission creep. In particular, she raised concerns that the app, while created for one purpose, might be vulnerable to "repurposing", and so it was important to include limitations on the uses of any data gathered — both from a privacy perspective, and to ensure public trust in the app.

She also expressed concern that the type of data collected by the app might be expanded later, without proper scrutiny. If location tracking was introduced on the app, for example, adequate justification must be provided given its potential to place individuals at specific locations. Consequently, she argued in favour of the adoption of a more privacy-friendly "decentralised" app (as many other countries have done), and for legislation to ensure respect of core data protection principles, in order to safeguard against potential abuses. Included within this, ought to be a "sunset" clause about when the app would no longer be necessary, and clarity about what would happen to the data collected once the app is no longer in use.



RESEARCH INSIGHTS

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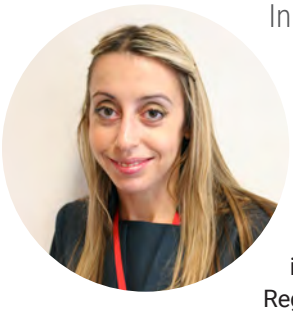
The Consequences of "Working from Home" for Employment Protection

In December 2020, the Department of Law hosted an **LSE public event** entitled "Working from Home: legal issues arising from the new normal".



Speaking at this event, **Dr Astrid Sanders** explored how employment rights might apply to those working from home, looking in particular at the Working Time Regulations (WTR) 1998 and national minimum wage legislation, and whether they satisfactorily protect home workers.

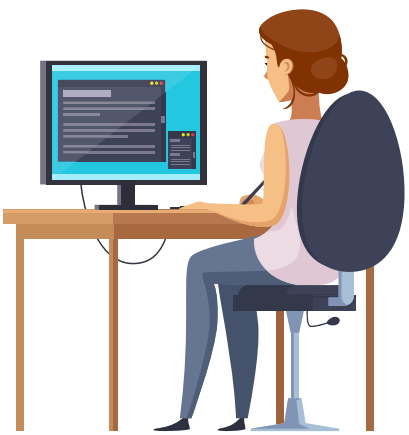
As she explained, under the WTR 1998, employers must take reasonable steps to ensure that workers do not work more than 48 hours per week (on average, normally over a 17-week reference period), unless the worker has signed an opt-out. The worker is also entitled to a 20-minute rest break after every six hours of work. While there are existing specific Regulations in the UK on part-time work, fixed-term employment and agency work, there are not currently any Regulations on home working.

The closest equivalent is the non-binding Telework Guidance (2003), drawn up by the UK Social Dialogue partners (the TUC, CBI and CEEP UK), reflecting the non-binding EU Framework Agreement on Teleworking (2002), developed at the European level by employer and employee organisations as part of the Social Dialogue process. Telework is defined for these purposes as "a form of organising and/or performing work, using information technology, in the context of an employment contract/ relationship, where work, which could also be performed at the employer's premises, is carried out away from those premises on a regular basis".

At the same time as stating that working conditions should be comparable to those received while working from the employer's premises, the guidance also suggests "greater flexibility within the limits of the WTR may be possible", subsequently twice recommending that employers and workers agree "core times" when the remote worker undertakes to be working or to be contactable. It is also stated that the "teleworker manages the organisation of his/her working time". While this enhanced flexibility might seem like a benefit for the home worker, especially in a context such as the present, where many have had to strike a difficult balance between work, home schooling and other caring responsibilities; if employers allow the latter flexibility, there is a real risk that this could possibly push more workers into the category of "unmeasured working time" under the WTR (reg 20). The result could be that workers are effectively taken out of the WTR without the need for their express agreement, as the opt-out demands.

Working from home also raises other possible concerns for employment protections. First, how can employers ensure that workers are not working excessive hours without problematic intrusion or monitoring of the worker's home? Neither the guidance nor the Framework Agreement address this issue in any detail (the latter stating merely that any monitoring of employees working from home should be "proportionate"), leaving employers with very little guidance on how to navigate this difficult issue. Despite the Prime Minister's comments in March about home workers having "quite a few days off" during the pandemic, research routinely suggests that people working from home have worked longer hours at home compared to in their workplace.

Second, and more ominously, what about the employer who wants to install technology in the worker's home to check that the home worker is working "efficiently", such as potentially intrusive specialist webcams? One might refer here to the more detailed guidance subsequently provided by the Grand Chamber of the European Court of Human Rights in *Bărbulescu* v Romania (2017) as to when it will and will not be proportionate for an employer to monitor its workforce, albeit this was not a case about home working. A majority of the Grand Chamber, in this instance, found that, and contrary to the prior Chamber, there had been a violation of article 8 ECHR (the right to privacy), when the employer monitored its employee's communications in the workplace.



RESEARCH INSIGHTS

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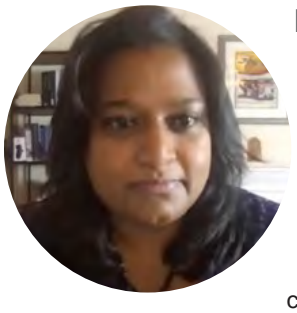
The Impact of Intellectual Property on the Vaccine Roll-Out



Dr Siva Thambisetty and **Dr Luke McDonagh** have examined the role of intellectual property in the fight against COVID-19

Dr Siva Thambisetty has argued that flaws in the design of intellectual property mechanisms have steered governments into what the WHO has called "a catastrophic moral failing".

In ordinary times, by granting the patent holder exclusive rights to manufacture a drug or treatment, intellectual property rights maintain an artificial scarcity in the market providing commercial opportunity for the patent holder. In extreme conditions like a global pandemic, this can lead to acute shortages and denial of production capability in both developing and developed countries. The problem with philanthropic measures such as COVAX, which provides vaccines to poorer countries, is that it makes populations in such countries perpetual consumers when we should be focussing on increasing productive capacity globally.

Talking to **ABC Australia**, Dr Thambisetty argued that if governments wished to show solidarity during this humanitarian crisis, a crucial first step would be to support the intellectual property waiver at the WTO. The waiver would suspend patents relevant to drugs and vaccines allowing developing countries with the manufacturing capacity to do so to produce them. This, while necessary, would not alone be sufficient: there would also be a need to transfer technology and manufacturing know-how. As well as ramping up vaccine supply, and ensuring vaccines are made available in low- and middle-income countries, the waiver would also help to build up resilience for the future globally, because as Thambisetty asks, "does anyone believe this is going to be the last pandemic we face?". You can read more about this in her **LSE Blog Post.**

In an **interview** on *The Owen Jones Show*, Dr Thambisetty explained how reliance on property rights privileges narratives of individual initiative and profits as reward, over collaborative effort and socialised costs of research and development. These narratives over time undermine altruism and intrinsic motivations and, in a global pandemic, damage the capacity to show international solidarity. One particular cause of political controversy concerned the EU's vaccine shortages and consequent problems in rollout. If EU member states were willing to negotiate a compulsory license with vaccine patent holders, it would have been possible to increase productive capacity immediately and to ease the supply of vaccines. As events show, negotiating with pharmaceutical companies is a challenge even for entities like the EU, and it is even more so for developing countries trying to cope with health emergencies or to deal with access to affordable patented medicines in general. An argument that is often raised is that developing countries simply do not have the technical capability and know-how to start producing these complex vaccines. Dr Thambisetty explained that this is a tired trope that has been proven wrong in the past, where necessity has driven units in developing countries to swiftly step up.

On *The Phil Williams Show* on Times Radio, Dr Thambisetty was asked about export bans on vaccines and vaccine production components. She spoke about the pandemic as a "test case" for intellectual property; and how remarkable it was that the EU and the US were willing to interfere with contractual arrangements and ban exports rather than work under existing intellectual property arrangements through voluntary or compulsory licenses to increase global production of vaccines. Dr Thambisetty explained that only a third of global vaccine production capability was being used to produce COVID-19 vaccines. While it should not surprise us that high income countries will work in the interests of their own populations, it was short-sighted to solely address one's own needs in a pandemic. Instead, she argued, we must increase production for all countries – which could be done either through the voluntary C-TAP proposal at the World Health Organisation or outside the system through support for a time limited intellectual property waiver for drugs and vaccines related to COVID-19 at the World Trade Organisation.

Dr Thambisetty also spoke to Voice of Islam Radio on the issue. She believes that it is important to feed knowledge of how IP arrangements work into the public imagination so that people can put pressure on governments to do the right thing, not just domestically but also globally.

RESEARCH INSIGHTS

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Dr Luke McDonagh also **wrote on this issue,** examining the potential tension between universities as publicly funded institutions operating for the public good and as commercial actors.

While Oxford University, in their agreement with AstraZeneca (AZ), offered non-exclusive, royalty-free licences to support free-of-charge, at-cost or cost with limited margin supply, there was a caveat: these terms would only apply for the duration of the pandemic, with the expectation of a commercial market post-pandemic that would allow the university to obtain revenues.

The definition of the "duration of the pandemic" therefore becomes crucial– what would happen if the WHO declared the global COVID-19 pandemic to be over, but localised outbreaks still occurred in developing countries? If developing countries are priced out in such circumstances, this raises serious questions about the appropriateness of one of the world's wealthiest public institutions seeking to make a financial surplus on a vaccine developed using public funds.

AZ formed a royalty-free licence agreement with Serum Institute India (SII) to manufacture millions of doses of the vaccine for India and developing countries as part of the international COVAX scheme. This was a positive move; indeed, millions of doses have been produced and delivered to developing countries as a result of this agreement. Nonetheless, the terms of the agreement remained restrictive. Supply problems arising from AZ's failure to meet its production targets meant that AZ sought to import to the UK millions of vaccine doses made in India at SII. This is controversial because were it not for AZ's UK and European production shortfalls, these doses would, presumably, have been made available to developing countries as part of COVAX.

The idea that AZ would attempt to prioritise UK supply needs over those of developing countries calls into question the ultimate value of the agreement between AZ and SII. In any event, the Indian government banned the export of these SII doses due to the worsening of the COVID-19 crisis in India.

The development of an effective vaccine at Oxford is a great triumph for a UK public institution, but questions have been raised over the university's IP and commercialisation policy based on patents and trade secrets.

RESEARCH INSIGHTS

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How Do We Pay for COVID-19?

As public finances are stretched by the fallout from COVID-19, **Dr Andrew Summers** and **Dr Margot Salomon** have been examining how States are paying for the pandemic.

Dr Summers is one of three Commissioners of the Wealth Tax Commission, who together have argued that if the government chooses to raise taxes as part of its response to the COVID-19 crisis, it should implement a one-off wealth tax in preference to increasing taxes on work or spending. This, Dr Summers has argued, would "raise significant revenue, and be fairer and more efficient than the alternatives". The report does not say when the tax should be implemented or recommend specific tax rates or thresholds but instead provides a range of options. At a threshold of £1 million per household and a rate of one per cent per year on wealth above the threshold, they calculate that a one-off wealth tax would raise £260 billion over five years after administration costs. At a threshold of £4 million per household and a rate of one per cent per year on wealth above the threshold, meanwhile, a one-off wealth tax would raise £80 billion over five years after administration costs. This would be payable by any UK resident (including "non-doms" and recent emigrants), and would include all assets such as main homes and pension pots, as well as business and financial wealth, but minus any debts such as mortgages. It would be payable in instalments over five years.

The report was covered by all major newspapers, with responses to the proposals along perhaps predicable lines. While Nimesh Shah, writing in The Telegraph, was critical of the "concerning" proposals suggesting they would "hit middle-class families, force people to sell their homes and push the truly rich to flee the country", an editorial in The Guardian described the proposals as a "much fairer way of paying for the COVID-19 recession" acknowledging that "before this report, there has been no serious work on designing a wealth tax for almost half a century, during which time the gap between rich and poor has grown sharply". This was a debate, they noted, "for all sides to enter". Writing in the Financial Times meanwhile, Chris Giles declared a wealth tax "unnecessary". In the same publication, Martin Sandbu, by contrast, complimented the report's evidence papers as a "treasure trove of up-to-date research on net wealth taxation", which "no serious debate on taxation, in the UK or anywhere else, can afford to ignore". In light of the evidence presented in the report, he stated, "the question really needs to be not whether the UK should introduce a wealth tax but whether it can afford not to".

Dr Margot Salomon contributed to an open letter by leading academics and economists calling for sovereign debt restructuring, including debt relief, in the wake of the COVID-19 crisis; and pushing back against attempts by some of Argentina's holdout creditors to return to a predatory system that undermines orderly debt restructuring arrangements.

RESEARCH INSIGHTS

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Responding to COVID-19

Dr Sarah Trotter is conducting research into the legal development represented by support bubbles, the introduction of which represented a notable recognition and reflection of the significance of the care and support that goes on across households. In particular, Sarah is interested in locating this development in the context of broader debates in family law about the meaning of "family" and the significance of relationships that are not otherwise legally recognised or engaged with.

In a new paper, Professor Veerle Heyvaert discusses whether existing regulatory regimes are adequate to control the seminal risks of our era: zoonotic diseases and climate change. She argues that these are examples of intersystemic risks, which, "compounding" in nature, have the potential to cascade across different linked systems. Their globalised, ubiquitous and entrenched nature makes it less likely that conventional risk regulatory responses will be successful in managing the risks they target. She therefore argues for more proactive regulatory intervention at the early stages of risk creation, and reliance on a more balanced basket of regulatory measures than is currently available for both climate change and zoonotic diseases.

Charlotte Ma has written her LLB dissertation on whether or not it would be ethically acceptable to make vaccinations mandatory, and whether this should translate into a legal duty to be vaccinated.

LLB student Julius Ma has researched the use of a tort law liability regime as a means to control the spread of COVID-19. His research is published in the LSE Law Review.

In light of the national and global rise in domestic abuse during COVID-19, Nicola Ho explored how the issue of domestic abuse is being conceptualised in the UK media in her LLB dissertation.

FACULTY INSIGHTS

A Minute in the Mind of Sarah Trotter

In conversation with Dr Cressida Auckland, Assistant Professor of Law

What first interested you about family law?

The first article I ever read in family law – and this was on Helen Reece and Julie McCandless's wonderful LSE course – was Frances Olsen's piece on "The Myth of State Intervention in the Family", and that completely captured me in its analysis of the meaning of intervention in family life. Family law is, in many ways, fundamentally about this – about state intervention in a very intimate area of life, and this ranges from potentially removing children from their parents to defining whether a couple is a couple in the eyes of the law. The assumptions that underpin the law in this context – about what's in a child's best interests, about what "normal" family life means and involves, and about different kinds of relationships – are intriguing. More generally, I think people and relationships are fascinating, and this links in with how law constructs relationships, people, and ideas. I also love its interdisciplinary nature – that it draws on fields including sociology, psychology and anthropology.

What are you working on at the moment?

I am mostly working on projects relating to my forthcoming book, which is about how European human rights law imagines the human condition. I have recently finished work on the construction of personal identity and on the right to hope in human rights law; and now I am tying up projects on secret birth and paternity problems. The latter is about how the law deals with situations in which, for example, a man discovers that he is not the child's genetic father, or a child or mother seeks to have the child's paternity established but comes up against barriers in doing so, or a man challenges the legally-established paternity of another man. What I'm especially interested in here is the way in which the case law in this context is underpinned by certain assumptions about identity, the meaning of knowing and knowledge, and truth.

Could you tell us a bit more about "secret birth"?

The term refers to situations in which there is some significant element of secrecy in relation to a birth or relinquishment of a newborn baby. This would include instances in which a pregnancy is concealed and the baby is subsequently relinquished without informing the biological father or wider family members, anonymous birth (as is legally possible in France, for instance), and anonymous relinquishment (as is enabled by some mechanisms such as "baby hatches" in Germany). One of the key questions arising here is of how different rights are balanced in these contexts.

How have you found teaching during the pandemic?

It was a big move to get everything online at the start, but the Zoom classes and online lectures have worked well – as did the in-person teaching in the Michaelmas Term – and the students have been brilliant. I have missed being in an actual classroom, but the online classrooms have been similarly full of curiosity and community, and it's been a privilege to have been a part of that.

What has kept you grounded during the pandemic?

My family and friends, running, reading, and cycling. And teaching, it's been such a joy to see the students every week.

Do you have any other hobbies outside of work?

I love swimming, especially open water swimming at the docks. And playing in an orchestra, it's been nice to be able to get back to my hobbies.

What about pets?

I also have 22 fish! I acquired them at the start of the second lockdown and they keep having babies. I will probably have to get a submarine for myself as they gradually take over my flat.

If you could live anywhere where would it be?

Oh definitely the Outer Hebrides. It is a wonderful place. You can always see the sea, you can always see hills and mountains, and there is so much sky. If it wasn't so far away, I would love to live on the island of Eriskay.

Finally, do you think COVID-19 is going to result in any lasting changes to academia?

I think there are certain aspects of the way in which we've used technology that we will carry forward. One of the advantages of online events, for example, is that they're open to much larger audiences, and give more people access to events that they wouldn't otherwise have been able to attend. So I think that has been really good, and I hope we will also all have a bit of a rethink about travelling huge distances for very short things that would have worked as effectively online. There have also been aspects of online teaching and learning with students that have worked well, but I am very much looking forward to the full return of the live lecture.

Thank you very much, Sarah.


blueseventy

FACULTY INSIGHTS

Megha Krishnakumar: Championing Student Wellbeing

Molly Rhead, Communications Officer

In September 2019, Megha Krishnakumar joined the Department of Law as the Undergraduate Student Advisor. She was tasked with creating a service that would nurture the personal development and wellbeing of the department's high-achieving undergraduate community.

From the start, Megha has worked from one key principle: "I think it is important to listen first, before asking questions". This approach is clearly working, as she currently meets with around 20 students per week during term time, to discuss anything and everything, from making friends and settling in to university life, to coping with pressure and considering future career options. An open-door policy means that students can drop in for a chat, or book in one-to-ones, whenever they like. Megha says with a smile that students often like to say hello and just check in, and she puts this ease of communication down to the comfort of being able to talk things through with a friendly face - "it could be because it feels less serious than approaching the extensive services on offer at School level, or because there is a comfort in knowing that our conversation is not at all tied to academic attainment."

With a unique insight into student experience, Megha can pick up on trends of particular worries or concerns across cohorts and act on them quickly. Whilst individual cases are closely protected, snapshots of broader student experience can be shared across the department and wider School networks for information building and best practice. This ability to balance professionalism with sensitivity could well have been honed through Megha's previous work in the education sector. Most recently, as a humanities teacher and head of sixth form in a London school, Megha was involved in building up services for young people in an educational setting. It was that experience that particularly interested her in the role at LSE – "I was working with young people, for many of whom starting university was the next step. A lot of my students were from groups that are underrepresented at university level, and I enjoyed working with them and their families to dispel misconceptions and worries about university". From that role in particular she gained an understanding of a range of the issues that students face when they come to university.

Of course, nothing prepared us for the challenges that 2020 would bring. Six months after joining the department, Megha moved the project online as the UK went into its first lockdown. Naturally, over this period, there was an increase in cases of students experiencing disruptions to their university experience and engagement. "It's been challenging, but our students are resilient, and we have been creative in finding new ways of coming together as a community", notes Megha. She has organised online community events from group discussion sessions as part of the Convene @LSELaw programme, to full online graduation festivities. Megha is also optimistic, "we've managed to make positives from the situation we've found ourselves in. I've found that online meetings allow students to engage with me in an environment that's comfortable to them. So whilst there's much to be gained from face-to-face interactions, I do plan on maintaining online availability as an option for students going forward".

Megha's number one piece of advice to students at every stage of their course is "explore and engage with all that is on offer – you might have to go out of your comfort zone but you will often find that you get out of it what you're willing to put in, and you never know what opportunities will come your way". It is fair to say that she leads by example. She has run five half marathons, and in 2013, Megha walked for 28.5 hours straight in a 100km sponsored walk from London to Brighton. She also plays the drums, "I've been in various bands but my favourites have actually been Scottish ceilidh bands! I'm from Edinburgh and here in London I still enjoy a night at the Camden Ceilidh Club, it's a lot of fun!" As part of her

Megha Krishnakumar

undergraduate degree, she took part in an archaeological dig in Hartlepool, in the North East of England. “As I was working on a small area of ground, I found a buried object. I carried on digging and managed to remove it from the soil, I’ve got a photo of me with it when it was still dirty on the site!” It turns out it was a Roman horse harness, and Hartlepool’s most significant Roman find. When Megha graduated from Durham University in 2010, she went with her mum, dad and brother to visit it in the local museum.

For Megha, her role is part a student’s wider network. From family and friends to School-wide programmes such as academic mentoring and peer support, “we are invested in each student’s development and wellbeing”. This can come in many forms, and Megha sums it up well, “academic success is important, but your university experience should be about so much more”.

FACULTY INSIGHTS

In Memoriam: Angela White

Words by Professor Hugh Collins

Angela White (1938-2021)

We are extremely sad to announce that Angela White passed away on 6 July 2021. Angela joined the department in 1968 to be the secretarial assistant to Lord Chorley and other academic staff in the department. In 1974, she was promoted to become the Convenor's secretary and departmental administrator, a post (which would now be called Departmental Manager) that she held until her retirement in 2001.

Angela was always calm, efficient, and hardworking. She led the administrative team firmly, yet mostly by her example and dedication to the interests of the law department. Through regular lunches and coffees Angela built up a loyal administrative team, many of whom served the department for almost as long as Angela. Amanda Tinnams, the Department's current Estates and Short Courses Officer, who was appointed by Angela, remembers her as "a kind person who showed much empathy in her role, but also had a mischievous sense of humour. I was very lucky to know her as a colleague, but more importantly in later life as a very close friend".

Angela oversaw many changes in the department, though perhaps the most significant were the expansion of the number of academic staff from about 30 to 50 people, and a roughly proportionate increase in the number of students. In those days, before the internet and email, much of her work and those of other administrators consisted of typing dictated letters, reading lists, committee papers using typewriters along with endless photocopying. Much of Angela's work required confidentiality and she was always the soul of discretion. Even so, her occasional wry smile and raised eyebrow revealed that she had her own views about the posturing and antics of some of the staff. During busy periods, Angela would work long hours, and come to work at weekends to meet deadlines. Amazingly she never took a day off as sick leave. To everyone she was friendly and courteous, nothing was too much trouble for her, she was also exceptionally kind. She was the rock on which the department was based, as she guided about nine successive Convenors in how to do their jobs.

In her personal life, Angela had many friends and led a lively social life. She enjoyed playing bridge, attending a fitness centre, looking after her cat, designer shopping, partying and taking holidays in Portugal with friends, and most of all she had a passion for ballroom dancing.

She will be deeply missed by us all.

FACULTY INSIGHTS

Staff Updates

Keep up to date with department news at **lse.ac.uk/law/news**

Department Leadership

Professor Niamh Moloney

Professor David Kershaw

Dr Raffael Fasel

Mandy Tinnams

We would like to say a special thank you to **Professor Niamh Moloney**, who has served her full term as Head of Department. We would like to welcome **Professor David Kershaw** to the role, which will come to be known as the Dean of the LSE Law School as we rebrand. Look out for the latest on the LSE Law School rebranding journey on our **news page**.

Awards

Congratulations to **Dr Raffael Fasel**, LSE Fellow at LSE Law, whose PhD thesis has been awarded the Yorke Prize by the University of Cambridge Law Faculty, recognising a doctorate of "exceptional quality, which makes a substantial contribution to its relevant field of legal knowledge".

We are delighted to congratulate **Matt Rowley**, Law Department Manager, on his award as Runner Up in the Inspirational Leadership category in LSE's Values in Practice Awards 2021. We would also like to congratulate our LSE Department of Law staff members: **Sarah Lee** as part of the LSE Warden team for the Runner Up award in the Team of the Year category and the LSE Residences team for their Director's Award; and **Mandy Tinnams** and **Laurie Ingram** as part of LSE Trace's COVID-19 response team for the Runner Up award in the Team of the Year category.

We are pleased to share that **Dr Siva Thambisetty**, **Edmund Schuster**, **Dr Eva Micheler** and **Dr Jan Zglinski** have won the LSE Law Teaching Prize in academic year 2020/21.

LSE Law PhD candidate **Ilan Gafni** received a 2021 Class Teacher Award in recognition of his contribution to teaching at LSE. Congratulations to **Benjamin Goh**, **Andrea Peripoli**, **Ayesha Riaz** and **Francesca Uberti**, who were all highly commended.

Dr Siva Thambisetty

Professor Conor Gearty

Dr Chaloka Beyani

Appointments

LSE Department of Law is delighted to congratulate **Professor Conor Gearty** on his appointment as Honorary Queen's Counsel (QC Honoris Causa).

Dr Martin Husovec has been invited to become a member of the European Copyright Society (ECS), a renowned group of prominent European scholars of copyright law.

Professor Niamh Moloney has been appointed by the Irish government to chair the newly-established Commission on Taxation and Welfare.

Professor Emily Jackson has been assigned as an adviser to the government of Jersey Citizen's Jury on Assisted Dying.

Dr Stephen Humphreys has taken over as Lead Editor of Cambridge University Press's transdisciplinary LSE International Studies Book Series.

Dr Jan Kleinheisterkamp has been appointed to the ICSID Panel of Conciliators of the World Bank Group for the settlement of disputes between states and foreign investors.

Dr Chaloka Beyani has been appointed as an expert on the UN Fact-Finding Mission on Libya.

FACULTY INSIGHTS

Staff Updates (continued)

Arrivals

We are delighted to welcome new LSE Fellows, **Dr Stavros Makris**, **Dr Yusra Suedi**, **Dr Giulia Gentile** and **Maame Mensa-Bonsu**, to the department. **Jessica Simor QC**, **Dr Thorsten Käseberg** and **Stephanie Maguire** join us as Visiting Professors.

Promotions

Dr Abenaa Owusu-Bempah

Congratulations to **Jo Braithwaite**, **Kai Möller** and **Sarah Paterson**, who have all been promoted to Professor.

Dr Abenaa Owusu-Bempah has passed Major Review and has been promoted to Associate Professor.

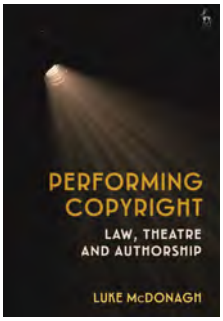
Laurie Ingram has been promoted to Undergraduate Student Experience and Programme Delivery Officer.

Farewells

Rachel Yarham

Dr Jan Kleinheisterkamp leaves the department as a full-time member of staff, but will continue to teach on the LLM. We would like to wish **Dr Valerie Verdoodt** all the best as her LSE Fellowship comes to an end, and we would like to thank **Dr Solène Rowan** for her contributions to the department. We bid farewell to **Laura-Ann Royal**, who has moved to a new role at King's College London, and we would like to thank **Rachel Yarham** for over 20 years of service to the department, and wish her all the best as she swaps London for Devon.

New Books

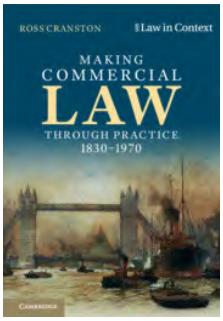


Dr Luke McDonagh (2021)

Performing Copyright: Law, Theatre and Authorship

Hart Publishing, Oxford, UK

ISBN 978150992704

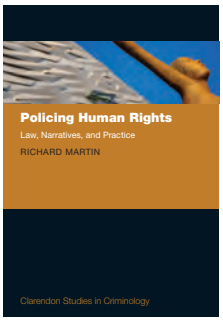


Professor Sir Ross Cranston (2021)

Making Commercial Law Through Practice 1830–1970

Cambridge University Press, Cambridge, UK

ISBN 9781107198890

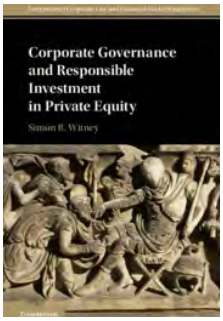


Dr Richard Martin (2021)

Policing Human Rights

Oxford University Press, Oxford, UK

ISBN 9780198855125

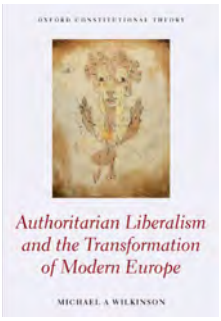


Dr Simon Witney (2021)

Corporate Governance and Responsible Investment in Private Equity

Cambridge University Press, Cambridge, UK

ISBN 9781108485883

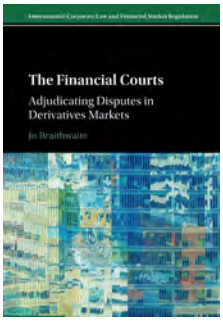


Dr Michael Wilkinson (2021)

Authoritarian Liberalism and the Transformation of Modern Europe

Oxford University Press, Oxford, UK

ISBN 9780198854753



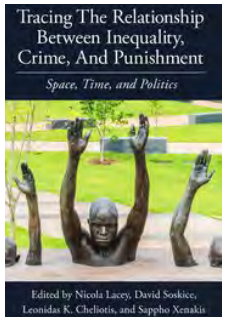
Dr Jo Braithwaite (2021)

The Financial Courts: Adjudicating Disputes in Derivatives Markets

Cambridge University Press, Cambridge, UK

ISBN 9781108474795

New Books (continued)

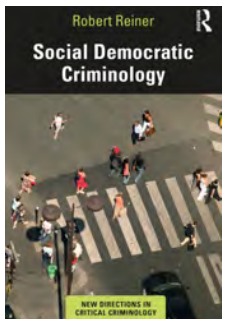


Edited by Professor Nicola Lacey; Professor David Soskice; Dr Leonidas Cheliotis and Dr Sappho Xenakis (2021)

Tracing the Relationship between Inequality, Crime and Punishment: Space, Time and Politics

Oxford University Press, Oxford, UK

ISBN 9780197266922

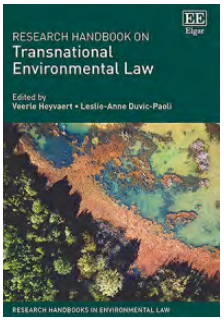


Professor Robert Reiner (2020)

Social Democratic Criminology

Routledge, Abingdon, UK

ISBN 9781138238794

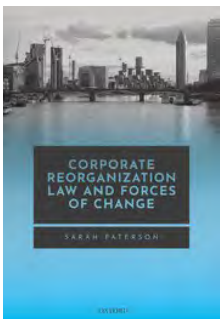


Edited by Professor Veerle Heyvaert and Dr Leslie-Anne Duvic-Paoli (2020)

Research Handbook on Transnational Environmental Law

Edward Elgar Publishing, Cheltenham, UK

ISBN 9781788119627



Ms Sarah Paterson (2020)

Corporate Reorganization Law and Forces of Change

Oxford University Press, Oxford, UK

ISBN 9780198860365

FACULTY INSIGHTS

Celebrating the Work of Professor Nicola Lacey

Dr Floris de Witte, Associate Professor of Law

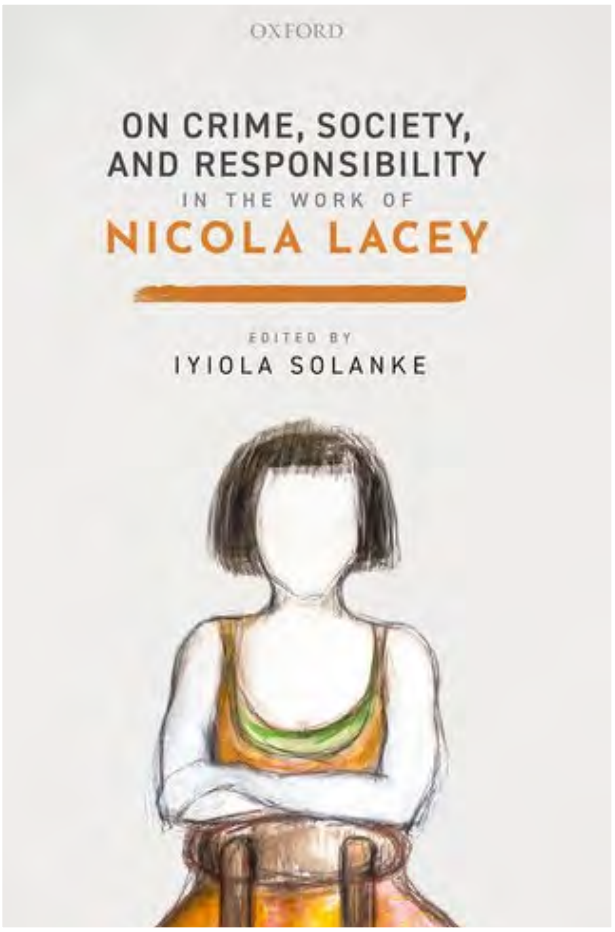
When a colleague suggested to LSE Law alumna Iyiola Solanke that, as the first of Nicola Lacey's doctoral students to be appointed to a chair, it was her responsibility to organise and edit Niki's festschrift, both she and Niki cavilled at the thought of being part of such a white masculine tradition.

But Iyiola went on thinking about it; and on discovering that when Mike Taggart assessed the genre a few years ago there existed not a single volume celebrating a woman common law academic, she decided that something needed to be done. The resulting splendid volume, its cover featuring a striking painting by former visiting Professor (and contributor) Ngaire Naffine, has just been published by Oxford University Press. Edited by Iyiola and including contributions from not only Ngaire but also colleagues, alumni/ae and former colleagues and visitors at the LSE such as Andrew Ashworth, Susanne Baer, David Garland, Emily Jackson, Arlie Loughnan and Lucia Zedner, not to mention other longstanding friends of the department, it is testament as much to the work of LSE Law as to that of its subject.

We got in touch with two of Niki's former PhD students in the LSE Department of Law, both of whom now hold a chair, and discussed Niki's achievements. Unsurprisingly for us lucky enough to know Niki, those achievements include both her work and her personal support and encouragement for younger staff. Professor Iyiola Solanke was supervised by Niki when working on her PhD on anti-discrimination law in the EU in the department. She now holds a chair in EU Law and Social Justice at the School of Law, University of Leeds. Professor Arlie Loughnan was also supervised by Niki during her time working on her PhD in criminal law at LSE Law. She now holds a chair in Criminal Law and Criminal Law Theory at the University of Sydney Law School.

Floris de Witte: What a wonderful idea to make a book dissecting and celebrating Niki's work! What brought on this idea?

Iyiola Solanke: The idea arose from a suggestion by a colleague that as her first doctoral student to receive a chair, it was my responsibility to organise a festschrift for her. I was not aware of this tradition, and did not take the suggestion seriously until I read that there has never been a festschrift in the common law world that celebrates a female scholar. I found no information to contradict this and decided that this had to change – and Niki should be the person correct this omission. However, I wasn't sure if she would approve of being associated with such a white, male and Eurocentric tradition so I worked behind



the scenes to consult her family, friends and colleagues and develop the idea and identify authors. I then secured a publication contract with OUP so that by the time I told her she could not refuse.

Arlie Loughnan: For myself, I was delighted to be invited to contribute to a collection honouring the breadth and depth of Niki's scholarly influence. The collection brings together the "who's who"' from criminal law theory and it's a privilege to be included within such an august group.

FdW: Do you remember first coming across Niki's work? Was it love at first sight or did the appreciation grow slowly?

IS: I was working with Damian Chalmers on the evolution of anti-discrimination law in the EU and he suggested Niki as my second PhD supervisor. As I am not a criminal lawyer, it took me a while to work out just how relevant Niki's work was for my own – in true Niki style, she allowed me to conduct this journey of discovery at my own pace. When we met I knew exactly what I wanted to do but not how: I was trying to conduct a study that was socio-legal, historical and compared common law and civil law systems. Her work – despite being in a different field of law – illustrated that this was possible. I was inspired by the skilful way in which she was able to weave a coherent narrative defying the traditional borders of knowledge production.

AL: I first came across Niki's work when I took a course she taught at New York University Law School as a member of NYU's Global Faculty. I was immediately enthralled when I encountered Niki's sophisticated interdisciplinary analysis of criminal law issues (and on reading such literary academic writing!). I was also delighted to meet its fabulous author: I remember that I had my first meeting with Niki on the terrace of NYU Law School (in the sun) and that Niki bought us all coffees in the final class. Then, and ever since, I have been struck by Niki's ability to have genuine conversations about scholarly topics with all sorts of audiences. No matter what level you are at, Niki makes you feel like you are part of a high-level discussion on timely and significant issues. And if you are fortunate enough to meet her at her beautiful home in Hampstead it is as if you have been transported to a salon in fin-de-siècle Paris, treated to captivating intellectual discoursing on a wide range of topics and warm and welcoming hospitality.

Arlie Loughnan

FdW: Of course you both know Niki in different roles – what was she like as a PhD supervisor?

AL: Niki was an extremely generous and encouraging supervisor – she looked after the whole person, taking into account their intellectual development, personal well-being and happiness. In addition to guiding me with a constructive hand, Niki invited me for dinner, and even acted as guarantor when I rented a flat in London. She has set the standard for me with my own PhD students, and, to quote Niki, I always enquire about how they are managing to "keep body and soul together" while writing their theses.

IS: Niki has over the years been so much more than a supervisor: she was (and is!) a mentor, ally, sponsor and friend. She was as interested in me as a person as she was in my work and I felt that she was always on my side. I could not have asked for a better supervisor to guide my thesis as well as my journey into and through academia. Being a black woman in academia is challenging: intersectional discrimination can result in soul-destroying isolation and has resulted in many capable black female scholars leaving higher education. Niki helped me to navigate my way through these challenges and stay in the sector.

FdW: How has Niki's work influenced your own work?

AL: Niki's work has been extremely influential on my own. Niki brings diverse critical methods to her examination of core issues in criminal law theory, and, as such, presents truly innovative work on oft-studied topics. The breadth

and depth of Niki's work is truly awe inspiring; she continues to stimulate and provoke my own thinking many years after the PhD.

IS: It is Niki's subversive approach to scholarship that has had an enduring impact on my scholarship and academic practice. Niki's work gave me permission to be bold. Having come from a background where I had studied languages, literature, social policy, law and politics, I wanted to bring all of this into my PhD. Due to her own work, she instinctively knew that what I needed for my multi-directional thesis was a clear structure – her emphasis on this (as painful as it then was!) enabled me to weave all that I desired into a clear single narrative. It is something that remains with me to this day.

FdW: The book's title is *On Crime, Society, and Responsibility in the work of Nicola Lacey*. What makes Niki's view on responsibility so important?

AL: Niki's work on criminal responsibility has led the field of "critical" studies on criminal responsibility. She has provided a decisive critique of existing approaches to responsibility for crime, arguing persuasively that responsibility has changed over time, and that it varies across the criminal justice field. In her 2016 monograph [In Search of Criminal Responsibility: Ideas, Interests and Institutions (OUP)], Niki brings an inter-disciplinary lens to the topic of responsibility, and shows that what is usually regarded as a technical aspect of criminal law (with a legitimating and coordinating function) is influenced by both vectors of power and its institutional context as well as intellectual norms.

IS: I couldn't agree more. The variety of authors in this volume illustrates well the many different ways in which Niki has brought the idea of responsibility in criminal law into contact with so many different ideas. Her interdisciplinary approach facilitates understanding of the links between its philosophical construction and the ensuing practical constraints.

FdW: What is the most enduring feature of Niki's work? What makes it so transformative?

IS: Courageous is a word that comes to mind when I think of Niki's work. Niki fearlessly crosses the boundaries which characterise much academic work. It has become more acceptable to do this in recent times, but she made this a feature of her work before this was popular in law.

Professor Iyiola Solanke

AL: Exactly. Niki's work is transformative because she manages to speak to diverse readers (including philosophers, critical scholars, feminist theorists, criminologists and others) and offer genuinely fresh perspectives and new insights on a wide range of topics. Once Niki has turned her attention to an issue or topic, the field changes, and her work instantly becomes a reference point for anything and everything that follows.

FdW: The contributors to the book come from many different areas of law. Which elements or concepts in Niki's work have allowed for this broad influence – and are there still disciplines that could use Niki's insights?

AL: I think any discipline would benefit from Niki's insights! Her current work on political economy continues to provide insights into the political dimensions of criminal justice, and, as even liberal societies show such punitiveness when it comes to crime, this is a particularly important site for critical intervention.

IS: Niki has a broad academic vision, which reflects her appreciation of the world in which we live – life does not occur along the lines of our neat academic enclaves, so why should our scholarship be limited to these? Prof Ngaire Naffine put it well in the introduction – "Thinking Big" is what comes to mind when I think about Niki – her reach spans disciplines, times and places and big ideas. Every discipline needs big thinkers and law is lucky to have Niki.

FdW: As are we at LSE Law! Many thanks Iyiola and Arlie.

STUDENT NEWS

Getting Through the Pandemic: the student perspective

Dr Jan Zglinski, Assistant Professor of Law

Sally Ali

Jessica Ma

Arielle Ramadharsingh

The outbreak of the COVID-19 pandemic signified an unprecedented challenge for LSE Law students. We spoke to three LLB students – Sally Ali, Jessica Ma and Arielle Ramadharsingh – about travel restrictions, online learning and the struggles of lockdown.

When Arielle Ramadharsingh first heard of a new coronavirus spreading in China in the closing days of 2019, it felt – as to many LSE students and staff – like something "remote". Within a matter of weeks, the virus had become an epidemic and, shortly later, a pandemic which arrived at LSE's doorsteps. The COVID-19 outbreak prompted a health crisis in the UK and across the world, but it also affected university life, changing the way in which we teach, learn and socialise. This had a particular impact on our students.

LSE's decision to close the School and move teaching online in mid-March 2020, quickly followed by most major London universities, prompted a frenzy of activity. Facing the prospects of being confined to their dorms for an extended period, many international students decided to go home. This, however, proved easier said than done. "Even though we had just got the notification from the School, it was almost impossible to get a flight ticket", explains Jessica Ma, who wanted to join her family in Shanghai. The lucky ones who did manage to secure a ticket often ended up going through an odyssey to reach home. Airports were overcrowded and overwhelmed, not having been prepared to handle a pandemic of such magnitude. Once arrived, students were facing mandatory testing – which meant spending hours, sometimes days, in airports, hotels, or special accommodation centres – and quarantining of up to three weeks.

Arielle recalls this period as incredibly stressful. She received the news about the School closure in the middle of a class. Immediately after it finished, she booked a ticket to return to Trinidad as there were rumours about

a possible border closure. “I basically had one day to get everything ready and leave”, Arielle remembers. The journey itself was a challenge. It was unclear whether the plane would even be allowed to take off as the Trinidadian authorities were cancelling flights if one person on the plane had a fever. Many passengers did not wear masks as they had sold out. Arielle says that this was a “traumatic experience” but also that she was very lucky. A few days after she arrived, Trinidad imposed a ban on all international flights which was extended throughout 2020, making entry to the country conditional upon obtaining a special travel exemption. As a result, many Trinidadian students enrolled in UK universities could not return home for months.

LSE students had to adapt to a new way of learning. When the 2020/21 academic year started, they were given the possibility to stay home or return to campus – first for Michaelmas Term, then for the whole session. Either choice came with its own difficulties. Those who attended classes at LSE saw the School transformed: testing facilities emerged on campus; classrooms were re-arranged to make socially distanced teaching possible; one-way systems were put in place inside all buildings; opportunities for socialising were reduced to a minimum.

Those who studied from home had to grapple with other issues. Some of the problems were of practical nature, such as poor internet connection, resulting in dropping out of Zoom calls. For many, it also meant adjusting to working with their family around. The greater challenge, however, consisted in getting used to learning online. Students reported feeling exhausted from spending hours at their laptops. “I feel a lot more drained from constantly being on the computer”, Arielle explains. “And it’s ironic: although it’s less physical activity than coming into university, you still feel very tired just staring at the screen”.

The new situation affected the mental health of students, causing stress that was sometimes difficult to handle. Doing exams online was a particularly trying experience, especially for students in the first year of their LLB. Jessica recounts, “I was just about to sit my first ever university exams, which is already a daunting experience, but it came with the extra pressure of having to do it in a pandemic.” The changed circumstances also led to a shift in mentality. Sally Ali says that instead of the usual “I’m going to work very hard, I’m going to get a first” attitude, many students felt they just wanted to “get it done”. Finding the motivation to watch the lectures and doing the weekly readings became more difficult with every week of being locked up at home. “Students are not superheroes… it can be really difficult to get yourself up when the world around you is crumbling”, she explains.

What did students do to take their mind off the global health crisis? A lot depended on where they were. Life in some countries had practically gone back to normal by the summer, meaning that going out and socialising was possible again. In others, one lockdown followed the next. In this situation, most leisure activity was confined to the indoors: watching movies, listening to music, having a long chat with your siblings. Arielle remarks that “simple things like going out to the mall and picking up a coffee have become the new form of recreation”.

Although the interviewees agreed that LSE had made great efforts to provide support, they also stressed that the pandemic deepened inequalities among students. The lockdown and shift towards off-campus learning have, as Sally points out, had a disproportionate impact on “the disabled, the depressed, those with anxiety, those living in small households, and the under-represented in general”. Making teaching material available online may seem like putting everyone on an equal footing, but in reality it does not. “Having your own room can make all the difference”, Sally highlights. The situation has been particularly tough for students in caring roles.

The cohorts of 2020 and 2021 will, without a doubt, be remembered as a special generation in LSE’s history. Sally, whograduated this summer, estimates that around 60 per cent of her university experience will have been online. Having to shield because she lives with a vulnerable family member, she will not be able to return to campus before the end of the academic year – by the time UK students will get the COVID-19 vaccine, it will be too late. University is “so much more than just delivering the material”, she reflects. It is “a rite of passage” which, she feels, was “taken away” from her and her peers. While the vaccination efforts are underway in the UK and other parts of the world, many students and teachers hope that LSE will slowly be returning to a form of normalcy.

STUDENT NEWS

Harnessing the Voices of Youth Calling for Climate Justice

Evgenia Chamilou, LLM in Public International Law

In March 2021, I had the honour of attending the Commonwealth Parliamentary Association UK (UKCPA) Commonwealth Parliamentary Forum on Climate Change – Preparing for Glasgow COP26 (UN Climate Change Conference of the Parties).

These sessions engaged a Pan-Commonwealth parliamentary audience in a discussion on the role of parliamentarians in holding governments to account, setting ambitious climate commitments, and complying with international agreements. It provided participants with a unique opportunity to augment their knowledge about effective oversight and scrutiny of climate policies, while also providing a space to exchange ideas with a wide range of experts in the field. A working group will take forward an action plan to coordinate efforts and maximise impact in the lead up to the COP26 summit.

I was delighted to be nominated by the Royal Commonwealth Society (RCS) to join the Forum as a delegate. I am a member of the RCS Associate Fellow Network, a collection of 1,300 youth champions who have demonstrated a commitment to promoting the values of the Commonwealth and who are working to improve the lives of Commonwealth citizens. The network's aim is to connect, facilitate and mobilise young leaders to continue to transform lives at the community level and influence decision makers at all levels.

Climate justice is a movement which sees the focus of climate change and its solutions on human rights, development, and equity. The voices of the youth calling for climate justice and advocating for solutions to its various impediments is vital in the global security discourse. Central to the debate over climate change action should be the topic of climate justice and the role of parliaments and governments alike in ensuring the harnessing of the power of young people with the aim of engaging their voices in the law and policy decision making processes.

In one of the seminars of the Forum, entitled "Beyond the Conventional: Climate Justice & Security", speakers discussed climate justice issues in cities and identified solutions. Professor Jim Skea, Co-Chair of Working Group III of the Intergovernmental Panel on Climate Change, identified transportation, access to utilities and air pollution as key issues. He explicated that air pollution is particularly challenging because of the implications on health, and highlighted that certain actions are possible to solve more than one problem at once. For instance, two-wheeled cars in India are already making a difference towards emissions reduction from the transportation sector, and at the same time are facilitating better health and transition to low carbon energy through the use of public transportation.

During the Forum, Professor Tahseen Jafry, Director of the Centre for Climate Justice, raised the important aspect of city demographics. She explained that in megacities, Black and ethnic minorities are disproportionately affected by environmental issues. She also highlighted the fact that children are losing their lives because of pollution, especially in nations where children's rights are less codified and child labour is still prevalent. The topic of electric vehicles in reducing emissions is ubiquitous, but the batteries used for electric vehicles are often manufactured in countries such as the Democratic Republic of Congo and China, where concerns over the human rights of children are being raised. "Should that be at the cost of states which are far away from us? Child labour underpins this transition and we need to talk about these issues", she pointed out.

Furthermore, as Sophie Howe, Future Generation Commissioner in Wales, suggested, we need to be globally responsible and identify "positive or negative innovations". Those most responsible for emissions

need to do the heavy lifting for finding solutions – but there needs to be government systems across the world which assess how to act now without compromising intergenerational equity. We solve one problem and often create another one – so we need a holistic governance approach. Youth initiatives are of critical importance in building a network in the lead up to COP26 to ensure that these concerns are being voiced.

In addition to my involvement in the Commonwealth Parliamentary Forum, I am a UN Youth Champion for Environment and Peace and a Delegate of Cyprus to the Congress of Local and Regional Authorities of the Council of Europe. I have realised the importance of the involvement of young people in environmental law and policy making, and the value of communicating on environmental issues. Having been raised in the last divided European capital, Nicosia, in Cyprus, where conflict is ongoing, harnessing the voice of the youth for climate justice constitutes perhaps the only beam of hope for achieving meaningful peace and sustainability. Environmental peacebuilding in Cyprus is now an important effort in reconciling the conflicted communities, and there has been an upsurge of initiatives that involve peace, intersectionality and the environment on the island.

My key takeaway from these activities is that international cooperation is vital when it comes to tackling climate-related challenges. After all, our environment is common – birds, insects and fish migrate from one nation to another, seeing no politics or borders that often keep us apart. While borders in the international law sense of sovereign states have been considered a curse in terms of environmental liability and compensation, they can also be construed as a blessing in terms of international environmental response and cooperation. The upcoming COP26 provides the ideal circumstances for this to be achieved.

STUDENT NEWS

Executive and Extended Education at LSE

Dr Jan Zglinski catches up with members of faculty who are leading new courses in executive and extended education in the department.

The range of educational programmes at LSE is expanding. The School is now offering online certificate courses, which can be accessed from anywhere in the world. The courses have been designed to allow working professionals to enhance their skills online and in their own time, using a supportive and interactive learning platform. They can be completed in under 10 weeks and typically come with a workload of no more than 10 hours per week.

Two courses convened by members of the Department of Law are currently available. *Data: Law, Policy and Regulation* (Dr Orla Lynskey and Professor Andrew Murray) employs a socio-legal lens to provide students with an understanding of the changing legal environment shaping data law and policy. Participants contextualise foundational legal principles, apply behavioural economics concepts to data protection, and learn about the legalities of data ownership. *Regulation: Theory, Strategy, and Practice* (Professors Robert Baldwin and Veerle Heyvaert) offers a multidisciplinary look at the topic of regulation. The course is aimed at both business leaders and those working within the regulatory space, enabling them to address regulatory change and critically examine regulatory responses.

> The new online certificate course in Data: Law, Policy and Regulation is an exciting addition to our Executive Education programme. We spent several months developing the course with our delivery partners 2U and Getsmarter.

Dr Orla Lynsky

Online Certificate Course – Data: Law, Policy and Regulation

The new online certificate course in Data: Law, Policy and Regulation is an exciting addition to our Executive Education programme. We spent several months developing the course with our delivery partners 2U and Getsmarter who built a bespoke course form the ground up to ensure that the experience of students taking the online course was as good as what we offer our students on campus. We designed the course around three sections: Datafication and the Law, which looks at the foundational theoretical concepts related to technology regulation and the challenges that digitisation poses for traditional legal concepts; Regulation of and by Algorithms, which examines the effectiveness and desirability of algorithmic regulation; and Rethinking Data Governance, which looks at possible policy solutions to the future of data regulation. The course is designed for anyone from a newcomer to someone already familiar with the topics, allowing you to direct your own learning. By blending teacher videos, text, quizzes and exercises with interviews from experts in the field, we believe we have created a unique and contemporary course which students will value.

Dr Orla Lynskey and Professor Andrew Murray, LSE Department of Law

Professor Andrew Murray

Meanwhile, the Executive LLM continues to operate at full speed. Teaching and learning has continued online during the COVID-19 pandemic, with the course range even being expanded. Among the new modules on offer are Rethinking EU Law (Dr Michael Wilkinson), which looks into the core legal, political and constitutional issues in EU law, and Taxation of Wealth (Dr Andrew Summers), which critically examines existing policies regarding taxation of wealth and options for reform. The Executive LLM is a post-graduate programme taught by LSE Department of Law faculty. The course is designed for individuals in full-time employment who are not in a position to take a year-long break from work and prefer to come for week-long, on-campus sessions instead.

Executive LLM – Banking and Finance Law: Regulating Retail, Consumer, and SME Markets

The launch of my new course Banking and Finance Law: Regulating Retail, Consumer, and SME Markets was an exciting and rewarding experience. The course offered a tremendous opportunity to discuss cutting edge issues in the regulation of consumer and small business credit markets, with an amazing group of students who brought great expertise and enthusiasm to the classroom and our online discussions. The aim of the course was to take a policy-focused examination of consumer/SME financial law, oriented thematically around key contemporary issues confronting policymakers. Our course launched on the eve of the pandemic, and unfortunately issues of household debt and SME finance have been pushed ever higher on the policy agenda by the economic consequences of COVID-19. The course was an excellent learning experience for me as well as my students, and we take forward many thoughts developed and discussed on our course as we consider challenges facing the contemporary economy.

Dr Joseph Spooner, LSE Department of Law

Dr Joseph Spooner

LLB, LLM and MSc Prizes

LLB Year 1

John Griffith Prize
Best performance in Public Law
Ho Kam

Hughes Parry Prize
Best performance in Contract Law / Law of Obligations
Ayaan Gulyani

Hogan Lovells Prize
Best performance in Law of Obligations & Property I
Benjamin Oh

Dechert Prize
Best performance in Property I
Benjamin Oh

Dechert Prize
Best performance in Introduction to the Legal System
Laurence Alford

Nicola Lacey Prize
Best performance in Criminal Law
Bethanie Lim
Niharika Goyal

Charltons Prize
Best overall performance
Benjamin Oh

Routledge Law Prize
Best overall performance
Benjamin Oh

LLB Years 2 & 3

Slaughter & May LLP Prize
Best performance in Year 2
Jonathan Tan Jen Yi

Sweet & Maxwell Prize
Best performance in Year 2
Gustav Brincat
Julius Ma

Morris Finer Memorial Prize
Best performance in Family Law
Iris Owyong
Aikaterini Pampouki

Slaughter & May LLP Prize
Best performance in Year 3
Mythili Mishra

Sweet & Maxwell Prize
Best performance in Year 3
Eponine Howarth

Lecturers' Prize
Best performance in Jurisprudence
Leonardo Azevedo Mitchell Da Silva

Law Department Prize
Best overall performance in the Dissertation
Mythili Mishra

Slaughter & May LLP Prize
Best overall degree performance (Year 2 & 3 combined)
Mythili Mishra

Blackstone Chambers Prize
Best performance in Law and Institutions of the EU
Golshid Zahiremami
Jonathan Tan Jen Yi

Blackstone Chambers Prize
Best performance in Human Rights
Micol Cattana

Linklaters LLP Prize
Best performance in Commercial Contracts
Julius Ma

Blackstone Chambers Prize
Best performance in Commercial Contracts
Allison Wu

Blackstone Chambers Prize
Best performance in Public International Law
Gustav Brincat

Lauterpacht/Higgins Prize
Best performance in Public International Law
Mythili Mishra

Clifford Chance Prize
Best performance in Property II
Sabir Abdullahi

Old Square Chambers Prize
Best performance in Employment Law
Zoe O'Logbon

Hunton Andrews Kurth Prize
Best performance in Information Technology and the Law
Ananya Jain

Herbert Smith Freehills Prize
Best performance in Conflict of Laws
Sze Hian Ng

Mike Redmayne Prize
Best performance in Law of Evidence
Charlotte Culley

Pump Court Tax Chamber Prize
Best performance in Taxation
Max Burton

Hogan Lovells Prize
Best performance in Law of Business Associations
Nga Wai Wong
Emily Tout

Law Department Prize
Dean's Award for excellent achievement under difficult circumstances
Jaan Gaur
Sally Ali

LLM 2019/20

Blackstone Chambers Prize
Best performance in Commercial Law
Maria Sevlievska

Blackstone Chambers Prize
Best performance in Public International Law
Claudia Tam

Laura Devine Prize
Best performance in Human Rights
Jake Kriticos

Lauterpacht / Higgins Prize
Best performance in Public International Law
Rebecca Hacker

Lawyers Alumni Prize
LLM - Best overall mark
Daniel Henderson

Louis-Frederick Cote Prize
Best LLM dissertation in Tax Dispute Resolution and Related Issues
Polyvios Nikolaou

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

Oxford University Press
Best dissertation
Joint winners:
Magdalene Neumeyer,
Cuneyd Erbay

Pump Court Tax Chambers Prize
Best performance in Taxation
Polyvios Nikolaou

Stanley De Smith Prize
Best performance in Public Law
Nils Weinberg

Valentin Ribet Prize
Best performance in Corporate Crime
Daniel Donoghue

Wolf Theiss Prize
Best performance in Corporate and Securities Law
Magdalene Neumeyer

MSc Law and Accounting 2019/20

Herbert Smith Freehills Prize
Best performance in MSc Law and Accounting
Joint winners:
Iyan Tan, Aiqi Lin

Mooting

Willem C. Vis International Commercial Arbitration Moot 2021
Honourable Mention for the Eric E. Bergsten Award (Team Orals). The team reached the last eight out of 357 teams in the oral rounds.
Weiran Liu, Sophie Low, Sze Hian Ng, Yan Chuan Ng, Jiayue Ma, Qing Tang

The Philip C. Jessup International Law Moot Court Competition 2021
The team reached the global White & Case Advanced Rounds, one of 168 teamsselected out of 574 teams.
Maryam Shah (Top 25 Best Oralists, UK and Ireland National Rounds; 44th globally individual oralist in the Preliminary Rounds), Abhaya Ganashree (Top 25 Best Oralist UK and Ireland National Rounds), Evgenia Chamilou (Top 25 Best Oralist UK and Ireland National Rounds), Sarah Gouia, and Barbora Smekalova

PhD NEWS

PhD Completions

Law Department students awarded their PhD in the academic session 2020/21 (**lse.ac.uk/law/study/phd/completions**):

Fatima Ahdash

"Examining the Interaction Between Counter-Terrorism and Family Law in the UK in Recent Years"

Supervisors: Professor Conor Gearty, Professor Peter Ramsay and Professor Emily Jackson

Mackenzie Common

"The implications of social media content moderation for human rights and the rule of law"

Supervisors: Professor Conor Gearty and Professor Andrew Murray

Geetanjali Ganguly

"Towards a transnational law of climate change: transnational litigation at the boundaries of science and law"

Supervisors: Professor Veerle Heyvaert and Dr Stephen Humphreys

Priya Gupta

"Leveraging the city: urban governance in financial capitalism"

Supervisors: Dr Tatiana Flessas and Professor Alain Pottage

Callum Musto

"States' regulatory powers and the turn to public law in international investment law and arbitration"

Supervisors: Dr Jan Kleinheisterkamp and Professor Andrew Lang

PhD PROFILE

Body Modifications, Normality, and the Law

Mireia Garcés de Marcilla Musté, PhD candidate

Law and medicine regulate whether and how we can have our bodies modified by others. It is lawful to go to a tattoo parlour and get a tattoo or a piercing, and the task of cosmetic surgeons to operate on bodies to make them more "beautiful" is regarded as proper medical practice. Circumcising male genitalia for religious purposes is lawful, but female ritualistic or religious genital cutting is specifically prohibited by statute. However, it might be in the best interests of a baby born with a seemingly large clitoris to have it trimmed to ensure its appearance is more "normal".

My research zooms in on one area of the body — the female genitalia — and explores how the current medico-legal taxonomies of vulvar and vaginal modifications (as mutilations, enhancements, cures) "hold together". The medico-legal framework frames and reacts differently to what in practice are the same, or very similar, interventions (such as the trimming or reduction of the clitoris or the labia, or the tightening of the vagina). The same operation is sometimes deemed a lawful enhancing measure (female genital cosmetic surgery), a lawful therapeutic surgery (intersex surgery) or an unlawful mutilating act (female genital mutilation). The purpose of my research is to understand what gives coherence to the current system of taxonomies on genital modifications. What are the underlying principles and ideas that allow for the current medico-legal distinctions of the same cut to the genitals to make sense?

I became interested in how law and medicine conceptualise and regulate the body whilst studying my MA in Medical Law and Ethics at King's College London. I came across an article about people who want to have their limbs amputated, and how this prima facie clashes with doctors' Hippocratic duty to "do no harm". Needless to say, I was shocked at first ("How can someone ask to have their legs chopped of?!"), but such an initial "yuk reaction" was slowly substituted by a drive to find out why this request came across as evidently disordered and wrong to begin with. The approach of being suspicious of "common sense" assumptions about what our bodies should function or look like is what introduced me to critical disability and feminist studies. Thanks to these collections of literature, I started to think about law and medicine differently. Instead of seeing them as "regulatory" frameworks of a pre-existent reality, I began to imagine them as frameworks with performative force, which create the realities they describe, regulate and treat. Such understanding of medicine and law is the starting point of my study of genital modifications. My purpose is to bring to the surface the "conceptual glue" that holds the current classifications of female genital modifications together, unravelling what understandings of female anatomy, sex and sexuality are reproduced and reinforced by the current framework.

Interrogating the "social imaginaries" structuring whether and how we can alter our genitalia is especially important nowadays, when more surgical procedures are increasingly available and more attention seems to be paid from the legal and ethical worlds to whether these practices are justifiable and on what terms they should be performed. My project puts three of these operations (female genital cosmetic surgery, intersex surgery and female genital mutilation) next to each other to see what their juxtaposition reveals about what sustains their classification and perception as different practices that raise different problems and questions.

My research interests on medical law and feminist theory brought me to LSE, where I have the guidance and support of my excellent supervisors, Professor Emily Jackson and Professor Niki Lacey. During my PhD research, I have also had the opportunity to teach medical law to undergraduates and guide LLM students at the start of their dissertation.

PhD PROFILE

Exploring “Good” and “Bad” Deal-Making by Developing Countries

Shingi Masanzu, PhD Candidate

As anticipation of the COVID-19 vaccine roll-out mounted across the world in early 2021, a curious story made the headlines: South Africa, one of the front-runner states in vaccine acquisition in Africa, was going to pay two and a half times more than EU countries for the Oxford-AstraZeneca vaccine.

South Africa had contributed to the development of the vaccine, with clinical trials carried out in the country. Curiouser still, while there was dismay and outrage at this news in South Africa, these feelings soon morphed into a seeming resignation to the terms of the deal. In the end, the prevailing sentiment was that of relief: at least the country was on track to receive vaccines relatively soon.

How is it possible that a relatively poor country pays significantly more than far wealthier countries for an essential, lifesaving commodity that it helped develop? The inequities and unsustainability of this type of transaction are brought into sharp relief because of the pandemic setting, but these kinds of “bad” deals for developing countries show up with a disconcerting frequency. Before starting at LSE, I worked in the development sector, focusing, in part, on providing financing and risk mitigation advice for infrastructure investment in African countries. The field is replete with stories of bad deals struck by the governments of developing countries: infrastructure projects financed with loans that feature unduly high interest rates, onerous collateralisation structures, major concessions granted with highly favourable incentives for

investors, but without a commensurate long-term return for the government, and so on. The consequences are both dire and sobering as these types of transactions can leave a country mired in unsustainable debt and contingent liabilities, reduce fiscal and policy space, and undercut the state's ability to manage its natural and economic resources.

There are a number of common explanations for these outcomes: perhaps developing countries lack the capacity or expertise to strike good deals, or maybe the manner in which these transactions are procured is tainted by corruption or distorted incentives on the parts of the officials negotiating them. Such explanations can certainly account for a range of deficient deals. But turning back to the South Africa vaccine debacle, these explanations are woefully inadequate to explain away the unconscionability of such a deal.

My research project therefore questions whether there is more to explaining these agreements. I am particularly interested in exploring beyond the standard explanations, to understand what unspoken assumptions and ideas underpin the deal-making process and shape the kinds of deals that are even possible for developing countries in the first place. I focus on the deals struck between private investors and states for infrastructure investment as the lens through which to unpack this. In this context, the conventional wisdom is that developing countries are risky and therefore attracting investment for infrastructure to these countries requires the promise of higher returns for investors and lenders and the provision of robust protections against political risk, defaults or other forms of "bad behaviour" on the part of governments. The first part of my research project seeks to uncover the epistemological architecture that has produced this deal-making "common sense" and how this influences the possibility of "good" or "bad" deal-making by developing countries.

The second part of my project engages in a thought experiment: if we substituted the underlying epistemological architecture, what new possibilities could emerge in investor-state deal-making? A potential alternative undergirding is one grounded in a human rights framework, and in particular, economic and social rights. My research seeks to explore the relationship between deal-making and the obligation of states to use the maximum of available resources to fulfil the economic and social rights of their citizens. Could

we, for example, interpret the notion of "available resources" as not only pertaining to revenue raising and budget allocation, but as also encompassing the powers and rights of the state to grant concessions, manage natural resources, issue sovereign guarantees, and so on? If so, could there be an obligation on a government to prudentially manage these powers as part of its "available resources", as a means to ensure the negotiation of sustainable and equitable infrastructure deals, and perhaps even the restructuring of poorly negotiated ones? These two worlds, that of human rights and that of finance, do not easily "speak" to each other, and I am interested in the new possibilities we could imagine if we brought these two disciplines into conversation.

By all accounts, the economic aftermath of the pandemic will be calamitous, and all the more so for developing countries. The challenges are evident, but the upheaval also presents opportunities to think anew about how to live up to the values of equity and sustainability in the quest for development.

PhD PROFILE

Populism, Judges and the "Crisis" of Constitutional Democracy?

Raphaël Girard, PhD Candidate

In May 1967, scholars from across the world – including Isaiah Berlin, Ghita Ionescu and Ernest Gellner – gathered at the first-ever conference on populism, at LSE.

One of the main aims of this conference was to agree on a general definition of populism. At the time, the use of the word "populism" was mainly limited to the academic world, chiefly to refer to more historical forms of populism, such as the Narodnik movement in Russia and the People's Party in the United States, which both emerged in the late 19th century. And this limited use of the term persisted in the four following decades, with a few exceptions.

More than fifty years later, however, it is safe to say that the situation has changed drastically. The word is not just used by scholars and specialists, it is now on everyone's lips: a quick Google search with the word "populism" currently generates more than 26 million results. Some would say it all changed in 2016 – the year sometimes characterised as the "year of populism", with the dual shocks caused by the election of Donald Trump in the US and the outcome of the Brexit referendum in the UK. And despite President Trump's recent defeat in the 2020 presidential election, populism shows no sign of slowing down, with the rise of populist politics in Eastern Europe, Latin America as well as South and Southeast Asia, amongst other regions.

Many leading scholars and commentators have linked the rise of populism to the contemporary "crisis" of constitutional democracy. The election of Trump and the Brexit referendum have certainly sparked a personal desire to conduct an inquiry into not only into the definition and meaning of populism, but also into the character and the legal-institutional impacts of the phenomenon. I am particularly interested in the implications of populism for constitutional courts, which are said to be the "guardians" of constitutional democracy. And there is no better place than LSE to conduct an interdisciplinary research project of this nature, fifty years after the first-ever conference on the topic.

I began my doctoral research with a theoretical analysis of the ideal-typical populist discourse, particularly as it pertains to popular sovereignty and the concept of "the people". I then moved my attention to ways in which populists engage with some of the core features of (liberal) constitutionalism, with a specific focus on considerations related to space and time. Populism favours proximity, simultaneity and immediacy – the result of which is what I have called a form of "constitutional impatience". By that I mean that populists are typically impatient with liberal-democratic procedures and intermediaries, such as legislatures and courts, which are seen as illegitimately thwarting the direct expression of the authentic "will of the people".

As for the role of courts in this context, whilst they can in certain circumstances slow down the political tempo in the face of populist impatience, their role and influence appear to be limited. Their power depends on a myriad of factors, including the public reception of their judgments – which sometimes spark populist outrage (as the three High Court judges who ruled in the Miller [no. 1] case know too well) –, the overwhelming force of politics as well as their institutional independence. But I also found that courts themselves can, in certain conditions, become institutional obstructors and even accelerate the populist flow of time by becoming agents of executive consolidation.

The LSE Department of Law provides the ideal environment for anyone interested in conducting high-quality research on cutting-edge legal and interdisciplinary issues. Beyond the invaluable help and support of my two supervisors, Dr Jo Murkens and Dr Jacco Bomhoff, I have also benefitted from the generous guidance of Professor Conor Gearty and Professor Tom Poole – my upgrade readers – as well as Professor Nicola Lacey, only to name a few. I have also enjoyed the support and friendship of fellow PhD students as well as members of the fantastic Public Law group within the Law Department. After an LLM and (almost) four wonderful PhD years, I am now ready to embark on a new adventure as a lecturer. And there is no doubt that the PhD programme at LSE has provided me with the best preparation and training for this new undertaking.

EVENTS

Convene @LSELaw

Dr Floris de Witte, Associate Professor of Law

"Never waste a good crisis", we thought in the department when the pandemic disrupted our usual means of interaction. And so we created Convene @LSELaw – a programme of events designed to replicate those spaces where the LSE Law staff and student community would meet, share ideas, be inspired and connect.

Under the leadership of Professor Jo Braithwaite and Professor Emmanuel Voyiakis, the start of Michaelmas Term 2020 saw a wonderful array of different events organised as part of Convene @LSELaw. While the initial purpose of Convene, as it is more informally known, was to approximate the student experience for our undergraduate and postgraduate students, it has quickly become a unique forum for students and staff to come together across disciplinary preferences, across cohorts, and across social groups.

One of the most interesting aspects of Convene @ LSELaw is that it allows both students and staff members to share interests beyond those that are strictly academic, and beyond the curriculum offered at the LLB and LLM levels. Thanks to the efforts and enthusiasm of many members of the LSE Law community, we have established reading groups, film evenings and research seminars, alongside wellbeing events to support our students as they navigate university life during the pandemic. To put this in figures, we have collectively produced over 150 events and activities, and have been privileged to welcome more than 100 external speakers to present on their specialist subjects.

Convene @LSELaw has proven to be such a successful platform that, far from being a one-off to cater for the specific context of the pandemic, we are working on ways to broaden its scope to in-person events, and to create more spaces for alumni to get involved. Out of challenging circumstances it is exciting to imagine a programme that will provide a lasting platform for our LSE Law community to meet, share ideas, be inspired and connect – watch this space!

Convene includes academic seminars, legal masterclasses, social clubs and student wellbeing sessions, all of which are creatively led by volunteers from the department. In academic year 2020/21 we ran a wide range of interactive social sessions, including:

Black Book and Film Club – with Dr Abenaa Owusu-Bempah

The Black Book and Film Club provided a forum for Black students and staff to engage with Black culture, while offering an opportunity for others to broaden their perspectives and knowledge base, touching on prominent themes in Black literature and film, including: race and racism; justice and equality; colonialism and post-colonialism; feminism; patriarchy; religion; kinship; love; and, of course, the law. In its first year, the club covered, among others, the films *Mangrove and Rocks,* and the books *Americanah* by Chimamanda Ngozi Adichie and Akala's *Natives: Race and Class* in the Ruins of Empire.

Hope – with Dr Sarah Trotter and Jacob van de Beeten (PhD candidate)

In the times we are in, it seems like a good idea to have a reading group about hope – a good idea, and also an interesting one, because when we think about it, questions of hope and its meaning are utterly fundamental to our lives. What is hope? When do we hope? When should we hope? What does it mean, to experience hope? Each session was oriented around a different dimension relating to thought about hope. In its first year, the Hope club read a range of works, including two wonderful books by Jonathan Lear and Rebecca Solnit.

Intervening in Tech Cases before the ECHR – with Dr Martin Husovec

In this reading group, Dr Husovec shared his experience of intervening in two technology related cases before the European Court of Human Rights. He explained the process of submitting and drafting interventions, and involved participants in mock exercises, encouraging them to reflect on the potential impact on final decisions. Later in the year, attendees had the opportunity to participate in a drafting exercise in a real pending case. The cases discussed in the first year of this club dealt with the conflict between privacy and data journalism, liability for hyperlinking, and a case concerning content blocking.

London – with Professor Hugh Collins and Professor Jo Braithwaite

This club explored London, our global city, through art, literature, history, and even some law. Weekly discussions were based on a particular location or feature of the city. In the meetings, participants discussed layers of culture and history in the city and considered how they have influenced modern London. In the first year, this club covered topics such as Holborn and the immediate surroundings of LSE, Sir John Soane's Dulwich Picture Gallery, the book *Dirty Old London: The Victorian Fight Against Filth* by LSE author Lee Jackson, the City of London, and a river journey to Hampton Court.

LLB Community – with Megha Krishnakumar

The LLB Community pillar of Convene is a discussion space which brings together all undergraduate Law students in issues of student life and study skills. It has covered issues such as "How can I make the most out of my time at LSE?", "How can I make the most out of living in London on a budget?", and "Is being competitive beneficial to my success at university?". The LLB Community events are wonderful places for our students to meet across year groups, especially for first year students, who have not yet experienced the vibrancy of LSE Law in real life.

Interested in finding out more? Have a look at the **Convene @LSELaw** webpages

> 'Never waste a good crisis', we thought in the department when the pandemic disrupted our usual means of interaction. And so we created Convene @LSELaw.

EVENTS

Occupying the Pedestal: cultural heritage, protest and the law

Dr Floris de Witte, Associate Professor of Law

In the wake of movements such as Black Lives Matter, protesters have taken aim at cultural heritage (statues, buildings and spaces) that celebrate – usually uncritically – the "glorious past". But what does it mean to decide who, or what, gets celebrated as cultural heritage? And how can controversies about such heritage be approached in law?

The LSE Department of Law hosted a panel of superstars to discuss these questions. Chaired by Dr Siva Thambisetty (LSE Department of Law), it involved Dr Tatiana Flessas and Dr Luke McDonagh (both LSE Department of Law), as well as Dr Sarah Keenan (Birkbeck), Jonathan Jones (art critic) and Councillor Asher Craig (councillor in Bristol, UK, and, among other things, a long-term community activist). The panel focused on the construction and reconstruction of our past, racial inequality, and protest.

Councillor Craig offered a wonderful account of the context in Bristol that led to the toppling of the statue of Edward Colston. Taking us through the history of activism in Bristol, as well as the history of Colston's involvement in the slave trade, she powerfully asks the question: who is memorialised? The answer will not surprise anyone: it is the privileged that get memorialised, and that decide who or what is memorialised. This matters: the creation of heritage is not only about rewriting the past, but it also casts its shadow forward, constantly reiterating accounts

> When you put up a statue, you create the possibility of it being toppled.
>
> **Jonathan Jones (*Guardian* art critic)**

of inequality. The local residents in Bristol, as was already clear before the toppling of the statue, have a very different vision of what constitutes their heritage and their history – something that, finally, has now led to new research being undertaken about the history of Bristol.

Jonathan Jones, an art critic who writes for *the Guardian,* offers an interesting take on the value of sites of heritage and memorialisation. He argues that, in terms of art, most statues are not particularly interesting. In fact, they perhaps become more interesting as sites of protest, change and engagement. As he put it, "when you put up a statue, you create the possibility of it being toppled". What is needed, rather than protecting statues, diversifying them, or adding more, is imaginative and powerful modern art that takes this duality of memorialisation and engagement seriously. Art and heritage shouldn't be about celebrating the past. It should be about making history – in all its complexity and including its crimes – visible.

From Bristol we travel to Western Australia, where, a few weeks before the statue of Colston was toppled, a mining company destroyed the Juukan Gorge caves, the site of the oldest human shelters in Australia (and possibly the world). These sites, which have been inhabited for 46000 years, were sacred sites of the native population, and play an important role in aboriginal metaphysics. This destruction took place within the limits of the law, and served to expand the mining ability of the Rio Tinto company. What Sarah Keenan tells us with this example, is that it is important not to think of heritage from the western, white and colonial perspective only. More than that, perhaps the term heritage as such is problematic: it locates value in the past, as a sterile piece of history; rather than highlighting that the inequality at its root still exists.

Tatiana Flessas and Luke McDonagh offer their reflections on the discussion, highlighting how cultural heritage, in a way, still lives. Flessas does so by highlighting that historical sites or spaces of cultural heritage are being democratised: rather than reflecting an elitist and triumphant account of history, it is being turned around: the people that were triumphed over are using the sites to offer alternative, dissonant accounts of history. McDonagh, likewise, reminds us that heritage cannot be universalised – it is, and will always be both seen and used as sites for the articulation of particular histories. What we would need is perhaps to think differently about what universalism means.

You can access the podcast **here** and the livestream recording **here,** both of which include the vibrant and lively Q&A session. If you enjoy our panel discussions, seminars and podcasts, you can find more in our new **LSE Department of Law Podcast Library.**

EVENTS

Working from Home: legal issues arising from the “new normal”

Dr Floris de Witte, Associate Professor of Law

One abiding memory of the COVID-19 crisis for many people will be working from home. Feelings might range from the pleasure of not having to commute to the maddening feeling of spending your day cooped up without any meaningful human interaction. But what is clear is that working from home is here to stay: COVID-19 forced a whole range of activities to move online, and many companies and their employees have realised that the possibility of working from home comes with opportunities. But it also comes with challenges.

On this last point, the LSE Department of Law organised a fascinating panel discussion, chaired by Professor Hugh Collins (LSE Department of Law), in which Professor Nicola Lacey, Dr Sarah Trotter and Dr Astrid Sanders (all LSE Department of Law) and Alice Carse (Devereux Chambers and a former LLM student of LSE Department of Law) discussed legal issues that might emerge now that working from home has become the “new normal”.

Hugh Collins introduces the topic by highlighting that in some way, working from home is the "old normal". In the England of the 1800s, the large majority of work took place in or around the house – from artisans to shopkeepers to agrarian work. It is only with the industrial revolution and the hold of capitalism on the economy that going out to work becomes the norm. This had large consequences for society, with worker movement emerging, citizens being exposed to persons outside their immediate community, and new types of diverse relationships being forged. Collins worries how moving work back into the home will affect worker movements, alter the socialisation of workers, limit their exposure to different types of people, and bring worrying types of employer surveillance in the home.

Astrid Sanders, specialised in labour law, highlights her concerns with working from home from the perspective of working time regulations and minimum wage standards. Echoing some of the worries of Collins, she suggests that working from home creates regulatory challenges for employers, who are under an obligation to take all reasonable steps to prevent their employees from working more than 48 hours per week, and to ensure that they have daily and weekly rest breaks. But how should we think about the employers' ability to do this while limiting the type of at-home monitoring that might interfere with the workers' right to a private and family life? Even though some agreements exist on teleworking, stressing the enhanced flexibility that must be allowed to consider for the workers' home situation, Sanders highlights that these agreements do not deal with the more pressing concerns of preventing excessive working.

Sarah Trotter, who works in family law and European human rights law, highlights that working in the home has always been the norm for a whole range of workers, such as domestic workers and care workers. Trotter highlights the risk of the "new normal" making invisible such work, which has not shifted from the office to the home, but has always taken place at home. Thinking about legal regulations on home work, or the protection of remote working, should not increase the invisibility of domestic workers and care workers, who are disproportionately composed of female and minority workers. In a way, Trotter suggests, the pandemic and the forced working from home might help combat these forms of inequality – making both employers and regulators more aware of the indispensable role that domestic work, care work, and childcare plays.

Nicola Lacey looks at a darker side to working from home: the increase in violence against women and girls. Lacey highlights that while for many of us, home is increasingly also becoming a place of work; for some women, and particularly the most vulnerable ones, it is becoming a place of violence and even a prison. Lacey highlights that even before the pandemic, we saw a mixed picture. On the one hand, the legal regulations protecting victims of domestic abuse have improved significantly. On the other hand, 83 per cent of victims still do not report abuse, and, where they do, the resources available to them are very limited. These problems are only exacerbated due to the pandemic, where underlying socio-economic pressures are combined with lockdown, (economic) anxiety, increase in care obligations and lack of safe spaces inside and outside the home. The starting point in alleviating some of these pressures, and helping victims of abuse, must lie in improving resources for victims, including legal aid, counselling and shelters.

Finally, Alice Carse joined us from Devereux Chambers, where she practices employment and insurance law. She shares her experiences working as a barrister during the pandemic – in which she hasn't set foot in a court room for over a year. Most hearings take place via video, unless parties specifically request a hearing in court, for example due to lack of IT resources or a quiet place from which to listen. Carse highlights that the positive side of this story is the resourcefulness and cooperation between courts, barristers and clients in making sure that cases can be adjudicated, even in these strange times. But, echoing the opening remarks by Hugh Collins, she suggests that the absence of physical proximity, especially with colleagues, comes with its challenges. A feeling, I'm sure, with which we can all sympathise.

You can access the podcast here and the livestream recording here, which both include the wonderful Q&A session wrapping up the discussion. If you enjoy our panel discussions, seminars and podcasts, you can find more in our new **LSE Department of Law Podcast Library**.

ALUMNI

Social Activism: using law to solve societal problems

Chrisann Jarrett, co-CEO of We Belong

Throughout my three years at LSE my activism was encouraged. It had not dawned on me however that activism was a viable career that could marry my love of the law with solving societal problems, thereby contributing to improving the lives of those from marginalised communities.

In 2017, I graduated without securing a training contract, but luckily, I had a paid role waiting for me, one that I had carved out for myself as Founder of Let Us Learn (established in 2014), an equal access to higher education project which aimed at changing the government policy that prevented young and gifted migrants from accessing a student loan due their immigration status. I had personally overcome financial barriers before commencing my studies at LSE with the assistance of the New Future Funds Scholarship. Throughout my degree I advocated for change in the same field. I provided the lead witness statement in the Supreme Court case R v Tigere, and worked alongside the Department of Business Innovation and Skills (BIS) in the consultation for the New Category of Student Support under Long Residence, changes that are now present in the Education (Student Fees, Awards and Support) (Amendment) Regulations 2016.

After graduating, Let Us Learn's membership grew to 1,000 young people all impacted by the regulations. By conducting listening campaigns, I recognised that lack of access to higher education was only a symptom of the issue, the root cause was a broken immigration system which imposed a temporary status on these young migrants. This in turn negatively impacted their interaction with services within university institutions, housing associations, banks and also with prospective employers. This was a result of the now widely recognised "Hostile Environment" toward migrants created by successive governments here in the UK.

My law degree provided the tools for strategic thinking, argumentation and the confidence to question the status quo. I genuinely believe that those who experience socio-economic depravity should be the protagonists in the call for justice and fairness. It is therefore crucial that we open new spaces within existing organisational structures to ensure disadvantaged young people have an opportunity to meaningfully participate. These places can be created even within bureaucratic institutions. In 2018, I was on secondment to the Greater London Authority (GLA) as a Policy Advisor to the Deputy Mayor of London. This is where I helped to develop the Young Londoners Forum, a strategic group of young Londoners with precarious status who would critically analyse mayoral objectives on the Citizenship and Integration Initiative (CII) and inform the workplan of the Social Integration Team through an annual meeting. In addition, I led the GLA's response to the Wendy Williams Lessons Learned Review at the height of the Windrush Scandal. I was then invited to the United Nations headquarters in New York to speak about the importance of including young people in global migration governance, using my experience as a campaigner and policy advisor to provide models of inclusive governance, the youth voice being at the core.

In 2019, I co-founded We Belong, the UK's first migrant youth-led charity advocating for the rights of young migrants. In the first two years, I led the fundraising efforts and raised over £300,000 to provide the necessary resources to employ more staff and expand our offer. Our organisational model was created intentionally to integrate the youth voice at all levels of decision making from staff, volunteers and also our governance board. Proximity to the issue is key; young migrants are experts by experience. My organisation engages marginalised communities and is unique in being led by and for young migrants with lived experience of the UK's immigration system. We create a platform and encourage an open dialogue between young people and members of parliament, this has led to cross-party support for our campaigns and strong relations with senior civil servants within the Home Office.

ALUMNI

My time at LSE taught me to first understand the meaning of things, gather evidence, challenge information and then suggest solutions. The LSE community is multicultural, and brings with it diversity of thought which is essential in the social justice space where issues of equality, justice and fairness are tested across borders – having conversations with those who are different to you can provide a refreshed perspective. In my career, I adapt a system-change approach to social change in the youth sector. This requires a look beyond the periphery of the immediate problems being faced by young people. It is an investigative enquiry which demands actors to understand trends, recognising the difference between symptoms and root causes of injustices. In addition, it requires collaboration and partnership with different stakeholders to accelerate the pace of change – this includes lawyers, journalists, minister, civil servants and academics. For example, I have been working alongside the LSE Department of Social Policy on a joint report on the "Impact of the ten-year route to settlement on young migrants in the UK", which will be used in wider advocacy.

I am a trustee to the Queen's Commonwealth Trust (QCT), this is a charitable organisation which believes that young people are equal partners in creating social change. The trust provides unrestricted seed funding to young people working on the United Nations Sustainable Development Goals from the 54 commonwealth nations, as well as championing and connecting their work. In early 2021, I was appointed as an Independent Consultant for the Paul Hamlyn Foundation (PHF) to develop an options analysis for the Act for Change Fund, a £4 million fund allocated to youth-led activism and joint venture between PHF and the Esmee Fairbairn Foundation acting as match funders on behalf of the National Lottery #iwill Fund.

Four years ago, I did not consider myself a social-entrepreneur, but my journey so far has reinforced my belief in purpose driven work. This has enabled me to broker relationships, take a hold of new and exciting opportunities, and most importantly have impact.

ALUMNI

My Journey through Law

Laura Devine, Managing Partner of Laura Devine Immigration

I am an English solicitor and US attorney. I undertook the LLM at LSE on a part-time basis from 1986 to 1988. This was 10 years after completing an LLB at UCL and four years after having qualified as a solicitor under the now-archaic sounding "articles" in the City. It was demanding a working as a solicitor full time and studying part-time and indeed, at the time it was rare to do so. Most students aiming to be solicitors completed their degrees and did the solicitors exams over one year or two, completed articles and qualified. Rarely did we study whilst working, which is commonplace today.

As a young woman, I came to work in London from a small town in Scotland. I quickly recognised the disadvantage of not having a degree and became a mature law student at UCL. After graduation, I trained at Cameron Markby (now CMS) and qualified into the litigation department practising contentious employment law. There were also lawyers in the commercial department doing non-contentious employment. It seems incredulous today, with the massive industry that employment law has become, to appreciate that in the late 1980s there were few, if any, "employment teams" in law firms. I enjoyed employment but decided to leave private practice in the City. As I had no recent and relevant interview experience, I planned to practise my techniques in an interview for a job I had no intention of taking – as an employment lawyer at Coopers & Lybrand (C&L) (now PwC). To the surprise of many, including myself, I joined this large accountancy firm in Holborn – so much for me leaving private practice in the City. Accountants, unlike solicitors, then and maybe still, are much more commercial and perceive themselves as business advisers. Despite C&L's size with a multitude of advisers – accountants, tax, management consultancy, actuaries, pensions – it had a team of only three employment solicitors. C&L was, I believe, the first accountancy firm to employ outward-facing lawyers, to advise clients, and the two other employment lawyers and I were viewed as pioneers in taking the unusual step to join the distant world of accountancy. As this was before The Law Society recognised multi-disciplinary practices, we had to refer to ourselves as lawyers – we could not say we were solicitors. How the platform for practising law has expanded in my 35 years in the City.

With only 12 months of employment law experience, I stepped into this untested environment and found myself advising on a myriad of employment cases for considerable international clients and impressive wealthy private clients (this was before the acronym HNW was used). It was a daunting experience. I needed to learn and learn fast. Employment law was not on any law syllabus when I did the LLB but in the 1990s it emerged as part of the LLM curriculum. London University offered an exciting, comprehensive, collegiate LLM programme which allowed students to study subjects at any of the law facilities in the University, including LSE, UCL, Kings, Queen Mary and SOAS. Two subjects had to be taken at the same college to have the LLM bestowed from that institution. I was keen to study employment law and European law and where better to do so than LSE, which was internationally renowned in both subjects. I also aspired to have a degree from LSE, as I was and still am, a great admirer of the USA and it is widely known that our American colleagues have recognition, respect and fondness for LSE.

Indeed, it is not just the Americans who have an appreciation for the LSE. The International Bar Association (IBA) has many LSE alumni members. I have for perhaps 20 years been an active member of the IBA. In normal times, about 6,000 lawyers from around 180 jurisdictions meet in different countries for the five-day annual conference, which may have 250 learning sessions with perhaps 50 social events. The LSE global alumni invite an LSE alumni lawyer in the city holding the conference to host a breakfast for other LSE alumni participating in the IBA. These breakfasts are precious to those attending with each participant taking time to

relay stories and memories of their time at LSE. These meetings are opportunities to meet old and new friends and build business contacts. I regularly consult my long list of global LSE alumni when I am looking to refer work to other lawyers.

I extended my caseload into immigration law and then shortly dedicated my practice to immigration. After C&L I moved to practise in Soho where I captured a myriad of non-City clients namely in the arts, entertainment, catering, and fashion sectors. Eventually, by way of contacts and luck I became a consultant and entered into a joint venture with Eversheds (now Eversheds Sunderland). The joint venture gave me no guaranteed income but did provide a sophisticated infrastructure and base from which to service my client base and develop it. I recruited staff and built a team that contentedly worked under the Eversheds umbrella whilst being on my payroll. I doubt the SRA would entertain such a situation today. When there was a change of management at Eversheds I was given an ultimatum: partnership or termination. This provided the impetus for me to start a law firm joined by my 13-strong team. I am delighted to say six of the 13 still work together.

That was back in 2003, and now there are 50 of us between offices in London and New York, providing bespoke UK and US immigration advice. The firm is recognised in all legal directories in Tier 1 for immigration has won a dozen or so awards, but the Commendation for Immigration from the Times Best Law Firms over the last two years and the LexisNexis Award for Wellbeing touched my spirit in that they are in recognition of our top priority – the treatment of staff. 80 per cent of our staff and all partners are female. The partners have worked together for between 15 to 20 years. We aim to provide a collegiate, collaborating, caring business environment resulting in contented, comfortable staff. This results in staff retention and it is rewarding to employ staff and witnessing their development. A partner joined as a paralegal and the heads of support staff, IT and or office manager were recruited as junior staff.

Contented, comfortable staff result in contented, comfortable clients. It is remarkably satisfying to assist clients to change their lives and often their families' lives too. On any given day we could be advising a chief executive of a Texan oil company, an Indian IT company, a fashion designer, a financier, a production company, SMEs, an asylum seeker and someone who's been refused leave. We assist them in leaving their home countries to migrate to the UK or the US, to find employment, to set up a business, study, marry, reunite with their family or seek refuge. It's stimulating, life-enhancing work and it gives us all a huge amount of satisfaction.

Donations

Donations from alumni and friends of LSE are essential to help the School maintain its status as a world class university. To find out more, visit **lse.ac.uk/regulargiving**

In the academic year 2020-21, LSE alumni and friends who chose to donate to the Department of Law have enabled the Department to host a number of student and faculty virtual engagement activities during the pandemic, supporting and bringing our student community together in these difficult times. To support further essential projects and initiatives, you can donate to the Department of Law by scanning the QR code on the right. Thank you to all Law alumni who have generously donated to LSE, either to the Department or to other priority areas of support.

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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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