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Contents

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On the cover: Professor Niamh Moloney.

EDITORIAL

Welcome to *Ratio* magazine!

'For the betterment of society' – these are familiar words to anyone who has set foot in LSE. The past months have given the School's founding purpose a renewed relevance. High inflation and economic instability have severely affected social welfare, prompting what has come to be known as the cost of living crisis. It is this context in which we set out to write the present edition of *Ratio*, which tries to inform readers of the key developments that have taken place at the LSE Law School over the last academic year.

Working towards the betterment of society is not just a mission statement, it is a lived reality at LSE Law. The new issue provides yet another striking illustration of this. Both students and staff have tried to understand, analyse, and leave a positive impact on some of the most pressing debates of our times. Professor Niamh Moloney chaired the Irish Taxation and Welfare Commission, generating a report whose significance has been compared to that penned by the late LSE director William Beveridge in the 1940s, a milestone in establishing Britain's welfare state. Dr Roxana Willis published pathbreaking ethnographic research on life in a disadvantaged housing estate in England, calling for a rethinking of the criminal justice system. A group of PhD researchers created a reading group to critically reflect on the economic problems surrounding us in London and the role which law plays in shaping them.

But there is, of course, so much more that is happening at the Law School. In the following pages, we will take you through the main changes, initiatives, and achievements that materialised during the 2022/23 academic session. You will learn about the new research which our colleagues have produced, such as Professor Martin Loughlin's monograph Against Constitutionalism which has electrified the constitutional theory community; the impressive projects which alumni like Timothy Franklin, founder of the National School of Journalism and Public Discourse in India, have spearheaded; the many events we held over the course of the year, in which have covered topics ranging from the future of legal sex to the demise of the FTSE 100; as well as the work which has been done by and for students, including the new common room.

Ratio is a collaborative effort. I want to thank the editorial team – Dr Elizabeth Howell, Dr Mona Paulsen, Dr Andrew Scott, and Dr Sarah Trotter – for their stimulating contributions and hard work. Guy Jordan has, as in previous years, gone above and beyond to supply the photography, defying even the most adverse weather conditions. Finally, we all owe a debt of gratitude to Alexandra Klegg, whose vision and enthusiasm have been a staple of the production process. I hope you enjoy reading this issue as much as we enjoyed making it.

Dr Jan Zglinski

Welcome from the Associate Dean

A warm welcome to the 2023/24 edition of *Ratio*, the flagship magazine of the LSE Law School.

In the past academic year, we have celebrated our full return to campus with a record-breaking number of public lectures, seminars, career events, social activities, and receptions, many of which were hosted in our brand-new Student Common Room on the fifth floor of the Law School. It was a joyous renewal after the Covid years, which were a stark reminder of the importance of community, and of its fragility. The events of the past year, from the continuing war in Ukraine to the cost of living crisis, have only amplified this dual message. It is therefore not surprising that a concern for community, and a drive to contribute towards building better futures, resonates in so much of the work and research done by LSE Law School staff and students, which is showcased in this year's issue of *Ratio*. It is present in Tom Bagshaw's PhD work on notions of 'social entrepreneurship', in Siva Thambisetty's vital input into the development of a new, desperately needed treaty to protect biodiversity of the high seas, in Tobe Amamize's campaign for the compulsory teaching of black history in school, and in many other features beside.

It is a true privilege to welcome you to our precious LSE Law community, and to wish you much reading pleasure.

Professor Veerle Heyvaert

Dr Roxana Willis on *A Precarious Life: Community and Conflict in a Deindustrialized Town*

In her new book, *A Precarious Life: Community and Conflict in a Deindustrialized Town*, Dr Roxana Willis presents an 'ethnography at home' on a disadvantaged housing estate in England. The book urges attention to how the criminal justice system is experienced, and it also invites a rethinking of criminal law itself. In spring 2023, and shortly before the publication of her book, Dr Roxana Willis reflected on her research in a conversation with Dr Sarah Trotter.

Sarah Trotter (ST): How did you come to write the book?

Roxana Willis (RW): The book is loosely based on research I conducted for the PhD. Relatively high levels of violence in my hometown, and on my council estate in particular, led me to investigate its causes. Instead of explaining violence by theorising from the 'top down', which many criminological accounts attempt to do, I designed an empirical project which incorporated methods from legal anthropology. This involved an 'ethnography at home', moving back to the steelworks town of Corby and joining my father on his daily rounds as a mobile grocer.

ST: Can you tell us a bit about what that was like?

RW: I loved returning home and sharing time with family and old friends. But I found it hard being immersed in home life while connected to the university – it was like straddling two worlds. Although the empirical research was conducted in Corby, many learnings stemmed from moving between two ends of the UK's class spectrum on a regular basis (between the most disadvantaged 10 percent at home and the most advantaged 10 percent in Oxford). Participating in these spaces involved different ways of being in the world, which is something I try to make sense of in the book.

ST: How did the 'ethnography at home' method work? What sort of findings did it produce?

RW: Well, because ethnographic research attempts to reveal things about the social world by showing rather than telling, it can be challenging to sum up findings in a neat package. In a sense, it sort of interrogates and reframes the idea of a 'finding' in empirical social work. But I will do my best and nod toward some of the things I learnt!

Mainstream legal scholarship often presupposes that people are autonomous individuals, who make their own choices, for which they are wholly responsible. This presumption is often implicit, and it is rarely challenged outside of critical accounts which are (unjustly, in my view) marginalised in research and teaching. Despite its dominance in law, this vision of the autonomous individual has undergone extensive challenge and revision in political philosophy, jurisprudence, and beyond. However, fields such as criminal law are yet to engage meaningfully with these developments. Building on the work of Nicola Lacey among others, I present an empirical case for why the criminal law ought to revise its conception of the autonomous individual, and that's where the ethnography comes into play.

I realised over time that much of what I ended up analysing – the social interactions of my research community – was expressive of the barriers that prevent the least well-off in Britain from attaining autonomy. So I was able to get an inside view of what it is like for workers exposed to highly coercive and insecure forms of labour, which often involve industrial jobs accessed through exploitative employment agencies that take a sizeable chunk of a worker's wages. Metaphors shared by participants in my study capture the experience well: workers describe themselves as 'scared to fart without a good excuse', not being able to 'go for a piss without an explanation', and being 'fired for taking a shit'. It's then in light of the experiential view that I question how plausible or helpful the law's conception of the autonomous individual is – particularly in conditions such as these.

I argued that by engaging with the lives of those who are prevented from attaining an autonomous existence – those whose autonomy is thwarted to maximise the autonomy of others – alternative ways of being in the world come into view. Instead of prioritising self-interest and self-advancement, at times, we can see that collective norms have greater weight. For example, people might prioritise sharing resources and time with others over acquiring wealth and skills for self-use; cultivating supportive relationships and actively countering power imbalances over the drive to exploit; and so on. I have a whole chapter which shows how my research community prioritised this alternative way of being, which I summarise as a 'framework of mutuality'. A representative example which springs to mind is when a lady in a shop overheard a mother explaining to her children that only one of them could have new shoes that school year due to financial difficulties.

Corby Steelworks, 1950s. Courtesy of Willie Cowie

In response, the lady offered to buy extra shoes for the other children, explaining to the mother that she had also struggled as a lone parent and was happy to help now that she could. Interactions such as these are daily and abundant in Corby. I also learnt a lot about race during the study. Corby might (mistakenly) be described as a 'white working-class' town, yet such a description conceals and distorts the reality of diversity. Corby exemplifies a point made by Satnam Virdee, that the 'English working class ... was a heterogeneous, multi-ethnic formation from the moment of its inception'. In fact, Corby is an excellent example of this, being built on an assortment of migrant contributions from Scotland, Ireland, England, Latvia, Poland, (former) Yugoslavia, various parts of the commonwealth, and beyond. While Scottish migration was prominent in the past, in recent years migration from Poland has been very important. Other vital influences include contributions by Gypsy, Roma, and Traveller persons. The 'white working class' label fails to capture this complexity.

ST: Your book specifically focuses on violence – how do you square the idea of a mutuality framework with violence?

RW: To get to that point, I begin by reflecting on a recent history of violence in England. Interpersonal forms of violence, which are purportedly endemic among socioeconomically disadvantaged groups in the present, used to be prevalent throughout the social order – English elites were as prone to fistfights (or duelling) as the poorest. However, from the seventeenth century onwards, interpersonal violence was increasingly critiqued for undermining the bourgeois moral ideal of the 'rational man' and, from the nineteenth century onwards, people were encouraged to rely on the services of the police to resolve disputes rather than settling matters themselves. This historical context is important because it shows where accounts of violence that often feature in criminal law and criminology likely go wrong: they locate the cause of violence chiefly within certain types of people or violent sub-groups.

My ethnographic research builds on a historical understanding of violence to challenge this approach. Although the police in Britain are supposed to serve the interests of all, it seems that some people are unable to access assistance in times of need. This was an experience shared by many in my research community, which a teenage girl explains in the following way:

> "The police tell you that you can't take the law into your own hands but then when you take something to them, they tell you you're lying, your story doesn't add up? It's the first time I've ever gone to the police about something, why the hell would I put myself through that just to make something up?!"

In this context – where the police are inaccessible to certain groups, in the face of insecurity – inevitably people rely on

self-help. Crucially, however, my research indicates that this doesn't mean that all forms of violence are permitted. On the contrary, violence is closely controlled and limited in the research community by fighting norms and the normative ideal of the 'fair fight'.

Given this, I don't think it's right to see violence as a break with the 'framework of mutuality' I mentioned before, but rather as another arena where it can play out. That means then that instead of interpreting violent outbursts as deriving from some individual, hostile force, we can often understand them better as moral events, in which norms of mutuality are involved, such as those that concern care, fairness, and communal safety. So violence can surface as a product of love – for example, in the need to defend a family member or friend; or from a need to respond to perceived unfairness – for example, as retaliation to a prior group attack on a lone person; and so on.

Further, when we think about violence through this different framework (from the ground upward so to speak), other forms of violence also become more visible, such as 'structural' and 'symbolic' kinds – roughly, the violence(s) we are subject to because of our position within wider structures and a class-based system. And I argue that not only does the law fail to protect against these other kinds of violence, it also perpetuates them – so we have a situation where the violence of the least advantaged is poorly understood, treated as a kind of moral depravity, while the same sector of society is subject to other forms of violence that we frequently ignore or fail to see.

ST: The book seems to urge a profound rethinking in that sense, not only of the idea of the autonomous individual presupposed by criminal law, and of law's conceptualisation of and relationship to violence, but also of law itself. It asks how we think about law. To end, I wonder whether you could tell us something about the new course, 'Race, Class, and Law', that you have recently set up at LSE, which goes directly to the questions of structure that you have just touched on. How did your research shape the development of this course?

RW: I'm looking forward to delivering the course, which is heavily informed by my research and has been designed collaboratively with colleagues at other institutions. Ultimately, it aims to reverse the usual top-down legal gaze by drawing on the experiences of those not normally taken into consideration. During the course, we will explore a range of topics – slavery and its afterlives, the making of modern law, abolitionism, and more. The course will encourage creativity and critical approaches to some key foundations of the law. So I'm hopeful that, in combination with their other studies in the Law School, students will gain a different perspective on what the law is and how it functions. I'm excited to work with the wider Law School on this project in the months ahead!

ST: Thank you so much for taking the time for this interview, Roxana. It's been wonderful talking to you about your work.

RESEARCH

Against Constitutionalism: a conversation with Martin Loughlin

In *Against Constitutionalism* (Harvard University Press 2022), Professor Martin Loughlin explains the rise of constitutionalism and challenges its key premises. The Law School celebrated the publication with a seminar discussing the book's core themes. Dr Jan Zglinski spoke to Professor Loughlin about his work.

JZ: Constitutionalism has had a non-linear trajectory. Considered an anachronism at the start of the 20th century, it has gained renewed popularity after World War II and, in particular, since 1989. What explains this revival?

ML: If 1989 marks 'the end of history', then it also opens 'the age of constitutionalism'. This is a period in which, following the disintegration of the Soviet Union and the downfall of dictatorships in Latin America, new constitutions were being drafted at an unprecedented rate. Since 1989, most of the world's constitutions have either been newly adopted or radically amended, mostly according to the template of constitutionalism. Yet it is not just the volume of constitution-making activity that is significant. In both new and well-established regimes, the standing of the constitution in the political life of the nation has been greatly strengthened. Across the world, judges now review public policy questions that a generation ago were assumed to be beyond their competence.

These profound changes are evidently responses to deeper-seated social, economic, and political developments. They can be seen as responses to the emergence of what might be called a second phase of modernity. This is a moment in which many of the characteristic features of modern life are placed in question: economic security bolstered by industrial regulation and full employment, social security provided by a welfare state, cultural security protected by the distinction between citizens and others, stable family structures, and vibrant political parties based on established class structures – all enter a state of flux. And the cumulative impact is reflected in the impact of globalization on the standing of the nation-state.

Given these wide-ranging changes, it would be surprising if the founding assumptions of constitutionalism remained unaffected. In a world of total government, constitutionalism conceived as advancing a regime of limited government is an anachronism. But constitutionalism has been converted into an ideology of the total constitution. Constitutionalism now presents itself as a meta-theory that promulgates universal standards of legitimacy of all forms of governmental power.

JZ: The book's core thesis is that constitutionalism, at least in its modern form, is incompatible with democracy – why is that?

ML: Constitutionalism, I argue, is a modern ideology. It is a specific theory concerning the role, standing, form, and telos of a modern invention: the written constitution. I define it as a theory that maintains that the adopted constitution fulfils six criteria: it establishes a *comprehensive scheme of representative government and differentiated powers* as a *permanent framework* that takes effect both as fundamental law and as the authoritative expression of a regime's *collective political identity*. The last three criteria are critical because once the constitution is seen to create a permanent framework of fundamental law the judiciary are elevated into the role of attending to the regime's basic standards of public reason. All too often, this leads to a belief that the constitution extends beyond its role of establishing the framework of government; it also expresses the collective identity of the people.

Now, consider the impact of that belief on democracy. Far from signifying that the established order can be altered by majority will, democracy is converted into an idea that signifies the collective identity of the people. This identity is inscribed in constitutional principles, and these principles are explicated by the judiciary. Judges thus present themselves as agents of democracy, and political change is registered not primarily through legislative action but through innovative constitutional interpretation.

JZ: You warn that judges have been transformed from 'guardians' to 'masters' of the constitution. Do courts have too much power in contemporary constitutional systems?

ML: I do not say that judges have too much power in all contemporary constitutional systems. I treat constitutionalism as a singular philosophy of governing to be distinguished from constitutional democracy and more general practices of constitutional government. When Montesquieu advanced the principle of the separation of powers, he put his faith in the judiciary precisely because, acting as the mouthpiece of the law, its power is 'null'. When Hamilton promoted the principle of judicial review in The Federalist Papers, he argued that the judiciary possesses neither force nor will but only judgment, and in that limited task judges are bound by strict rules and precedents. This is not the role assumed by judges under contemporary constitutionalism. Judges now engage in an activity that depends more on political judgment than legal reason.

JZ: You criticise the fetishisation of constitutions and their interpretation by courts. Is there also a risk of fetishising ordinary politics and the legislature?

ML: Some scholars making an analogous argument undoubtedly do so. But I do not have a starry-eyed view of politics. It requires, as Max Weber put it, 'the slow-boring on hard boards' and amounts to, in John Dunn's words, 'the cunning of unreason'. The key point I emphasize is that effective government requires the political system to remain open to challenge and correction by popular will. And that requires keeping open a variety of modes of participation and accountability.

JZ: Drawing on Hegel, you argue that constitutions can only develop from the 'national spirit' and, therefore, reflect the values and practices which are already present in a society. Can constitutions be a force for change and alter that national spirit, or are they ever only reactive to a country's political culture?

ML: We do not need to draw on such a profound and perplexing philosopher; you could have said that I also draw on Burke, Mill, Renan, Oakeshott, or Benedict Anderson for that basic observation. But the role of constitutions in providing a force for change raises a profound question. It is one that German scholars have debated under the theme of 'integration through constitution'. At one level, it's a peculiar notion: if the constitution provides a framework of government then, of itself, this instrument is hardly likely to bring about cultural change. But once the constitution is assumed to establish an 'order of values' then, provided it can establish its authority, it has the potential to be a force for change. This is what many regimes making new constitutional settlements signifying a break from dictatorship, Apartheid, or communism have sought to achieve. It's a formidable undertaking. Not being able to draw on traditional sources of patriotism, they promote the oxymoronic idea of 'constitutional patriotism'. Habermas employs it and argues that the embrace of constitutionalism has been the great achievement of the German people in the post-war period. But there were other, arguably more important factors, at play in that case. And the evidence of more recent experiments is much more equivocal.

JZ: The book advocates constitutional democracy as an alternative to constitutionalism. What does this entail? How can constitutions constrain political decision-making without threatening democracy itself?

ML: Modern governments acquire legitimacy from two main principles: adherence to a constitution that 'we the people' have authorised and the protection of basic rights. Constitutionalism asserts that these apparently conflicting principles are reconciled by re-interpreting both in the language of rights. I doubt that. The tension can only be pragmatically negotiated, and this gives constitutional democracy an open and uncertain quality that constitutionalism seeks to sublimate. That said, I accept that democracy is sustained by institutions that sift and refine popular opinion and convert that into effective policy and action. So I just do not see the problem with establishing constitutions that promote those objectives.

JZ: The book suggests that constitutionalism has contributed to the recent emergence of populism and illiberalism across the world. Are, then, countries like Poland and Hungary right to restrict constitutional rights and judicial powers?

ML: If 1989 marks the end of history, then the period after 2006 signifies the end of the end of history. Since then, global events – the financial crisis, the Euro crisis, the pandemic, and the war in Ukraine – have placed strains on the workings of constitutional government. The growing influence of varieties of populist politics has been one response. Regimes such as Poland and Hungary, in which constitutionalism is perceived as having been imposed, have been under stress. The post-1989 challenge has been immense. It includes simultaneously establishing their independence, creating market economies, forming competitive party structures, and promoting strong civil society networks. All I would say is that it is hardly surprising that their experiment with constitutionalism is delivering results that are less than some had hoped.

RESEARCH

Entrepreneurial futures

In this piece, PhD student Tom Bagshaw explains his research into the global phenomenon of social enterprise and entrepreneurship. His work seeks to unpack how this burgeoning movement has become entangled with a number of more established international social projects (development, human rights, labour) and to question whether the conception of the 'social' that they are co-shaping will prove capable of unsettling underlying causes of poverty and inequality.

It was as late as the 1940s that Joseph Schumpeter predicted that a waning societal interest in the entrepreneurial function would bring about the end of capitalism. How wrong this appears to have been. Today, entrepreneurship is widely celebrated, embraced by those on both the left and the right, and viewed as an ideal around which individuals, non-governmental organisations, corporations, and even states can be expected to model their behaviour. The apparent ubiquity of entrepreneurial discourse is reflected in the emergence of the idea of social enterprise and entrepreneurship (SEE), a global movement which purports to offer a novel, innovative approach to addressing the social problems of the 21st century. One does not need to stray far from the LSE Law School in order to find evidence of the influence of SEE – wander next door to the university's newest building and you will find the Marshall Institute for Social Entrepreneurship housed at its summit.

The popularity of SEE has not escaped the attention of those working within what we might think of as more established international social projects. Individuals operating within institutions as varied as the World Bank, the International Labour Organisation and the Office of the United Nations High Commissioner for Human Rights have reacted warmly to the emergence of SEE, evidently intrigued by its potential to further their respective mandates. This may have something to do with the fact that their own approaches have yielded mixed results in recent years. Indeed, whilst renewed interest in the domain of the 'social' has generated ever greater expectations of international human rights, labour, and development projects, their shortcomings are by now well documented. Developmental reforms often continue to bracket distributional questions in favour of an emphasis on growth, efficiency, and the protection of private rights, whilst the international actors tasked with promoting human rights and labour norms tend to limit themselves to seeking adjustment at the margins. Poverty and inequality persist, their root causes inadequately addressed.

It is not difficult to see that SEE represents something new and exciting to these established international projects, an idea capable of taking the protagonists of the market – the enterprise, the entrepreneur – and synthesising them with a social that is distinct from its state-centric 20th century form. What remains unclear, however, is whether the social of the SEE movement has something to offer these international projects that would enable them to overcome their shortcomings. Against this background, my research seeks to achieve two principal goals. Firstly, I wish to develop an understanding of the specific form of the social that emerges from sustained interaction between SEE and actors working on international development, labour, and human rights. Secondly, and perhaps more ambitiously, I intend to assess whether this social offers an avenue through which these established projects can better grapple with the structural causes of poverty and inequality.

International organisations have shown a keen interest in the role that legal and institutional reforms can play in making SEE work and, in answering my research questions, I place particular emphasis on the role that legal ideas play in shaping their engagement with SEE. In doing so, I draw on a tradition of conceiving legal and economic activity as co-constitutive and existing in a dynamic relationship with one another. Viewed from this perspective, one of the things that makes SEE law so interesting is that it purports to act on the conditions of economic life itself – it seeks not only to provide novel regulatory regimes or procedural tools, but to birth new economic actors, new governance structures, and new understandings of what legitimate economic activity entails.

SEE, international development, human rights and labour are, of course, all internally diverse and at most I aim simply to offer an account of how specific strands of these projects have come together to shape particular ideas of the social. Whilst the research remains in an early phase, my suspicion is that many of the forms of SEE legal reform that are promulgated by international organisations serve to reproduce a familiar set of market-based assumptions that have dominated public policy discourse for decades – those of the welfare-optimising *homo economicus*, the responsible individual, and the primacy of economic growth and the rights

of capital. Understood as such, there is perhaps reason to doubt whether SEE legal reforms will prove capable of addressing intractable structural issues such as poverty and inequality or launching anything that seriously approaches transformative socio-economic change.

And yet, at the same time, there do appear to be instances in which SEE law offers a novel idea of the social that is grounded in neither tired assumptions about the market nor 20th century conceptions of the role of the state. The contours of such a project are perhaps visible in international engagement with collaborative understandings of social entrepreneurship and forms of social enterprise that experiment with novel structures of collective ownership, participatory governance, and member control. Whilst limited in important ways, these particular approaches to constituting SEE suggest that some of the institutional reforms that are conducted in its name have the potential to restructure relations of production and consumption. In doing so, they may secure a modicum of *pre-distribution*, that is, a more egalitarian political-economic structure that does not depend on ameliorative, surface reallocation by the state. Perhaps then, SEE does have something to offer the actors working within the more established international social projects – an intervention which resonates with societal faith in markets and the entrepreneur yet proves capable of unsettling some of the underlying frameworks that perpetuate poverty and inequality. How exactly, and under what conditions, remains to be explored.

RESEARCH

Publishing my LLB dissertation: a window into the life of an academic

Inspired by the 2020 Black Lives Matter protests, LSE Law graduate Mythili Mishra wrote her final year dissertation on how the law conceptualises 'legitimate' protest, using the framework of European human rights law. In this piece, she discusses her experience with publishing her dissertation, and what she learnt from it.

When the pandemic struck in March 2020, I was a second year LLB student at LSE. Amidst the upheaval caused by this global emergency, life went on, and soon I had to choose my modules for the following year. The 15,000-word dissertation seemed a daunting but exciting opportunity, and the discussions on social media about the Black Lives Matter protests during the pandemic sparked my interest in the topic. I knew that I wanted to study how the law conceptualises a 'legitimate' protest, which is protected, while simultaneously disallowing certain other forms of expressing dissent. Toppling statues, protesting during lockdown, the use of disruption and violence, as well as offensive statements and acts occupied my thoughts while I formulated the research question.

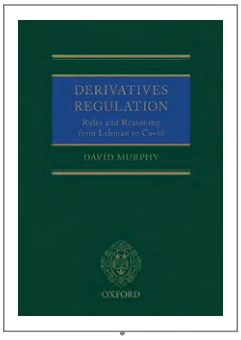
During the next few months, I worked on reading cases, articles, and books, as well as writing and editing the dissertation. I divided the jurisprudence into three 'themes' — responsibility, disruption, and offence, and then used this conceptual framework to understand the reasoning of the European Court of Human Rights, and to critique it for inadequately protecting the right to protest. My supervisor, Dr Sarah Trotter, was incredibly helpful and guided me every step of the way. This was especially important given that a Covid-19 variant led to a lockdown in the UK during Michaelmas Term. Further, along with friends who were also writing dissertations, I joined a group chat where we discussed the issues we were facing, asked any questions we had, and found a safe space to share our struggles. The year-long journey was not without its obstacles — at one point I was petrified since I could not find much literature on the topic, only to be reassured that this was because it is a relatively underdeveloped area, and my research would thus make an important contribution. As it turned out, my colour-coded spreadsheet of cases and the multi-coloured sticky notes plastered all over my room (a source of much joy in a monochromatic winter) came through, and I submitted the dissertation in May 2021.

I received a very high grade and my supervisor encouraged me to submit my dissertation to law journals after I graduated. By the time I returned to this project, I had started litigating in India. Balancing full-time legal practice with sending my paper for publication was challenging, but I utilised the time spent waiting in court to work on my manuscript. Due to the nature of the topic on which I had written, I decided that the dissertation would be suitable for a generalist audience, and once I had shortlisted the journals, I had to transform the dissertation into an academic article. Further, the article had to be edited to meet the journal's citation and style requirements and then uploaded for submission. One could then expect a decision with constructive feedback a few months later. I found this very useful, since the peer reviewers' comments enabled me to supplement my analysis, adding depth to the article. It was also helpful to get feedback on the changes I made from my former professors, including Professor Kai Möller, who specialises in this field. The peer review process is then repeated (at the same journal, or another) until all the parties agree on a particular version of the article. For me, this was at the *Cambridge Law Review*, where my article was finally published. The entire process took approximately a year. I should add that I had previously been on the other side of this exchange, as an Articles Editor at the *LSE Law Review* (something I would recommend to current students!), which gave me a sense of how the dialogue between authors and reviewers works.

My biggest takeaway from the publication process as a recent graduate was getting an insight into how much work publishing scholarship involves — the attention to detail, collaborating with peer reviewers, and several rounds of editing and proofreading. It was also a window into the career of a legal academic, which had admittedly seemed easier from the other side of the classroom! Publication is, however, highly rewarding, since having others read and engage with your work, and ultimately contributing to the debate on a topical issue, is incredibly fulfilling. I posted about the article on my Twitter account and soon found that it reached the academics I had cited in my work; barristers working on protest law and human rights; as well as activists who participate in direct action. As a part of Gen-Z, I have never been one to underestimate social media, but I was still intrigued to see how ideas disseminate outside the ivory tower of academia and reach the people who work in this field.

Further, I learnt that although the editorial process is a dialogue, it was important to maintain the integrity of the position I was defending, and not to compromise on its overarching thesis. When I initially proposed the research question, I knew that I was going to write on a politically contentious topic, one that was polarising and arguably unpopular in public discourse, but as long as I had the analysis to support my thesis, I was confident about getting my point across. Finally, it is crucial to highlight the contribution of my friends and family who proofread thousands of words (most of which was outside their expertise) or provided relentless support as cheerleaders and motivators. Although writing and publishing the dissertation was an often-isolating process, both inherently and due to the pandemic, it was comforting to know that an outpouring of inspirational quotes from the Legally Blonde film was only a text message away.

New Books

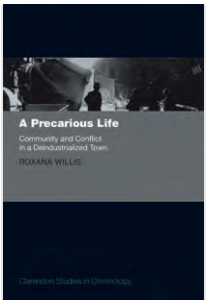


David Murphy (2022)

Derivatives Regulation Rules and Reasoning from Lehman to Covid

Oxford University Press.

ISBN 9780192846570



Roxana Willis (2023)

A Precarious Life Community and Conflict in a Deindustrialized Town

Oxford University Press.

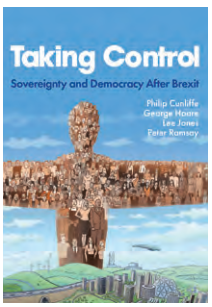
ISBN 9780198855149

Timothy Lau (2023)

Standing in Private Law

Oxford University Press.

ISBN 9780192869661

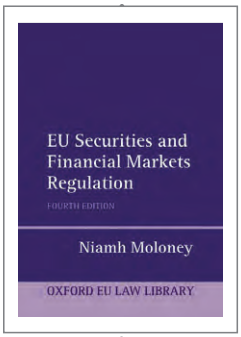


Philip Cunliffe, George Hoare, Lee Jones, Peter Ramsay (2023)

Taking Control: Sovereignty and Democracy After Brexit

Publisher Polity.

ISBN 9781509553211

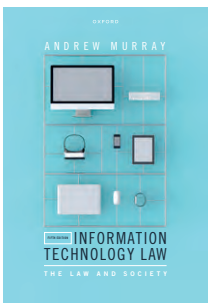


Niamh Moloney (2023)

EU Securities and Financial Markets Regulation

Oxford University Press.

ISBN 9780198844877

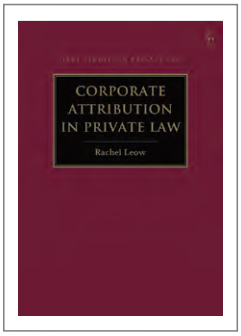


Andrew Murray (2023)

Information Technology Law

Oxford University Press.

ISBN 9780192893529

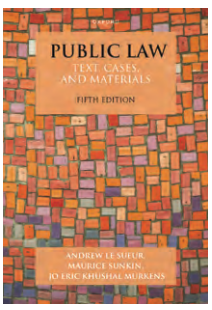


Rachel Leow (2022)

Corporate Attribution in Private Law

Bloomsbury Publishing.

ISBN 9781509941353



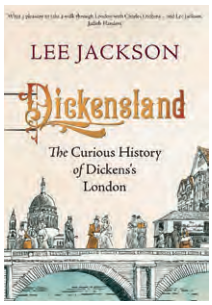
Andrew Le Sueur, Maurice Sunkin, Jo Eric Khushal Murkens (2023)

Public Law

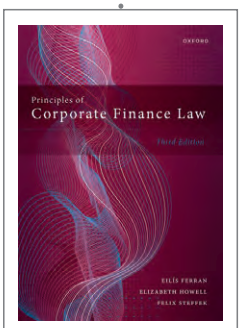
Publisher Oxford University Press.

ISBN 9780192870612

New Books (continued)

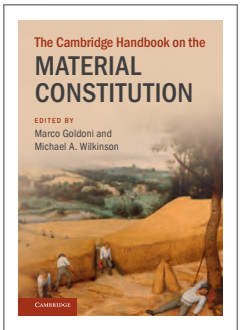


Lee Jackson (2023)
Dickensland
Yale University Press.
ISBN 9780300266207

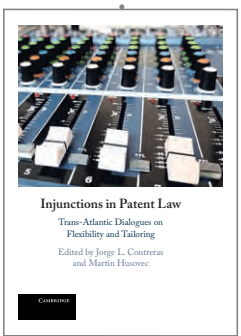


Eilís Ferran, Elizabeth Howell, Felix Steffek (2023)
Principles of Corporate Finance (3rd ed.)
Oxford University Press.
ISBN 9780198854074

Edited collections:

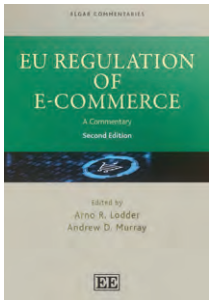


Marco Goldoni and Michael A. Wilkinson (2023)
The Cambridge Handbook on the Material Constitution
Cambridge University Press.
ISBN 9781009023764

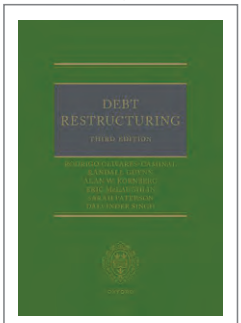


Jorge L. Contreras and Martin Husovec (2022)
Injunctions in Patent Law
Cambridge University Press.
ISBN 9781108891103

Edited collections (continued):



Arno R. Loddert
Andrew D. Murray (2022)
EU Regulation of E-Commerce
Edward Elgar Publishing.
ISBN 9781800372085



Rodrigo Olivares-Caminal, Randall Guynn, Alan Kornberg, Sarah Paterson, Eric McLaughlin, and Dalvinder Singh (2022)
Debt Restructuring (3rd ed.)
Oxford University Press.
ISBN 9780192848109

Swati Jhaveri, Tarunabh Khaitan and Dinesha Samararatne (2023)
Constitutional Resilience in South Asia
Bloomsbury Publishing.
ISBN 9781509948871

RESEARCH

LSE Law School students awarded their PhD in the academic session 2022/23:

lse.ac.uk/law/study/phd/completions

Dr Rachna Matabudul

Field of Study: Law

'Tax treaty dispute resolution: lessons from the law of the sea'

Supervisors: Mr Eduardo Baistrocchi and Dr Andrew Summers

Dr Francesca Uberti

Field of Study: Law (Socio-Legal Theory)

'Vaccine Opposition in the Information Age: A Study on Online Activism and DIY Citizenship'

Supervisors: Professor Emily Jackson and Professor Linda Mulcahy

Dr John Taggart

Field of Study: Law

'Examining the role of the intermediary in the criminal justice system'

Supervisors: Dr Meredith Rossner and Dr Abenaa Owusu-Bempah

Dr Raphael Girard

Field of Study: Law

'Populism, Law and the Courts: Space and Time and in an Age of "Constitutional Impatience"'

Supervisors: Dr Jo Murkens and Dr Jacco Bomhoff

Dr Morris Schonberg

Field of Study: Law

'The Notion of Selective Advantage in EU State Aid Law – An Equality of Opportunity Approach'

Supervisors: Dr Pablo Ibáñez Colomo and Dr Orla Lynskey

Dr Aleks Stipanovich (Bojovic)

Field of Study: Law

'Environmental Assessment of Trade: Origins and Critiques of Effectiveness'

Supervisors: Professor Veerle Heyvaert and Professor Andrew Lang

Dr Mattia Pinto

Field of Study: Law

'Human Rights as Sources of Penality'

Supervisors: Professor Peter Ramsay and Professor Conor Gearty

Dr Sina Akbari

Field of Study: Law

'Normative Dimensions of the Practice of Private Law'

Supervisors: Dr Charlie Webb and Dr Emmanuel Voyiakis

Dr Stephanie Claßmann

Field of Study: Law

'What we do to each other: criminal law for political realists'

Supervisors: Professor Nicola Lacey and Professor Peter Ramsay

Dr Tanmay Misra

Field of Study: Law

'The Invention of Corruption: India and the License Raj'

Supervisors: Professor Susan Marks and Professor Stephen Humphreys

Dr Mireia Garcés De Marcilla Musté

Field of Study: Law

'Designing, Fixing, and Mutilating the Vulva: Exploring the Meanings of Vulval Cutting'

Supervisors: Professor Emily Jackson and Professor Nicola Lacey

Teaching

The LSE Law, Technology, and Society Group

The Law, Technology, and Society group conducts world-leading research into the regulation of technology and its normative implications. Dr Mona Paulsen spoke to some of its members – Dr Giulia Gentile, Dr Martin Husovec, Dr Orla Lynskey, Dr Luke McDonagh, Professor Andrew Murray, and Dr Siva Thambisetty – about their motivations for spearheading the new research group and their reflections on the changes to legal education in a world defined by technological change.

Technology is an oft-overlooked facet of law and legal research. As with legal ordering and normative rules, our daily interactions with technology tell a tale of who we are, both within our culture, as individuals, and in our ways of socialising and locating ourselves within socio-technical and cultural systems. Our social relationship with technology has been brought more sharply into focus in the past 30 years as digital technologies from computers to smartphones and tablets began to intermediate our communication and informational flows, and our collective memory. This has led to increasing crossovers between legal scholars, science and technology studies (STS) scholars, and researchers of digital media and technologies.

LSE Law School's Law, Technology, and Society (LTS) Group bring together faculty and students to engage with complex questions regarding the roles of law and policy upon emerging technologies, such as artificial intelligence (AI), information and computer telecommunications (ICT), biomedical and biotechnologies, decentred and distributed systems, and other advanced technologies. The scope of research captured within the LTS Group is impressive – from the regulation of medicine and data protection to technologies that disrupt regulatory practices and legal services.

The group aims to further LSE Law School's engagement with the academic community while directing its research accomplishments to a wider community of regulators, policymakers, non-governmental organisations, and international institutions. It connects academic researchers to policymakers and to legal practitioners, through events, publications, and advisory roles.

LTS members have submitted expert evidence to a number of recent Parliamentary inquiries including the UK Government's Science and Technology Committee's inquiry into 'Governance and Artificial Intelligence.' (**committees.parliament.uk/writtenevidence/113787/pdf/**); the UK House of Lords Communications and Digital Committee inquiry into Digital Regulation (**committees.parliament.uk/publications/8186/documents/83794/default/**) and the House of Lords Communications Committee Inquiry, Regulating in a Digital World (**publications.parliament.uk/pa/ld201719/ldselect/ldcomuni/299/299.pdf**).

and learning

Beyond expert evidence, the LTS hub contributes to the development of policy and law in a variety of ways. Dr Orla Lynskey co-authored the recent Commonwealth Model Provisions on Data Protection. Dr Husovec's work was repeatedly cited by Advocate Generals at the Court of Justice of the European Union in the key technology cases. Dr Giulia Gentile spoke to policymakers at the 2022 Labour Party Conference, while Professor Andrew Murray spoke at the 2022 Conservative Party Conference. Dr Siva Thambisetty participated in the 5th Session of the Intergovernmental Conference (IGC) on Marine Biodiversity beyond National Jurisdictions, and Professor Mark Lewis contributed to a white paper on ethical investment considerations in AI systems and processes in and around the workplace.

Mona Paulsen (MP): What motivated you to initiate this group?

LTS Group: LSE has for many years been a leading centre for the study of the impact of technology in law and legal practice. We had one of the first undergraduate courses in databanks and the law in the early 1990s and we were one of the first UK law schools to appoint a full-time lectureship in information technology law in 2000. Over the years we developed a strong reputation for research excellence in a number of areas relevant to law, technology, and society: from the regulation of digital technologies to data protection law, competition, and digital markets, and more recently digital financial products and services, including disruptive products such as cryptocurrencies and cryptoassets. The LTS group was formed to give external visibility to this pre-existing research excellence as well as to provide a hub for colleagues to share their research and to co-ordinate policy responses. It also allowed LSE to connect to practitioners working in the City of London and to policymakers in Westminster.

The group was initiated by Professor Andrew Murray who noticed how over the twenty years he had been in the Law School that technology had become central to the work of a number of colleagues. When he joined the Law School in 2000 he was one of a handful of legal academics interested in how technology influenced law but by the late 2010's he noticed that colleagues working in banking and finance were writing about cryptocurrencies, colleagues in medical law about emergent medical technologies, colleagues in competition law about digital platforms and markets, and colleagues in labour law about technology in the workplace. The LTS group was created as a home for anyone interested in how technology is affecting the development, application, or practice of law.

MP: How do you see LSE Law School undertaking reforms, or should the law school undertake reforms, for addressing the future implications of law and technology?

LTS Group: Future lawyers will find themselves in a vastly different workplace from those of the recent past. The rapid development of LegalTech and large language dataset forms of machine learning mean that future lawyers will be part traditional lawyer, part coder. We need to train our students for this environment, as well as disseminating critical understanding of tools and technologies and their impact on the legal profession and more widely on society. Exposing undergraduates and postgraduates to the possibilities of LegalTech (as well as FinTech and RegTech) and to familiarise them with the tools used in natural language processing will be to prepare them for their professional environment.

Beyond our educational role we must fulfil the traditional role of the academic in critically examining the role of technology in the development and application of the law. In 1999 Professor Lawrence Lessig of Harvard Law School wrote 'Code is Law', suggesting software code could supplant law. Does anyone want this though? What would it mean for the rule of law, for lawyers, or for individuals? The movement into code-based legal design and enforcement indicates further reorientation of researchers away from traditional 'black letter' and socio-legal research into more socio-technical-legal research. The movement we can already measure in areas such as banking and finance law and competition law into the digital sphere is likely to become more pronounced and to gather pace in the next 10-15 years as algorithms intermediate further areas of legal practice.

MP: How is technology changing the nature of the legal profession? Of the daily lives of LSE Students?

LTS Group: As noted, technology is reshaping the legal profession, but it is also reshaping the operations of clients of legal professionals. This means the legal profession is having to reform internally but is also having to adapt to external change as well.

Internally the legal profession is deploying a variety of LegalTech systems such as contractware which allow for the drafting of agreements to be streamlined through smart libraries of standard (or even modified) terms negating the need for a legal professional to automated discovery and even the possibility of smart courts where case management will be provided by an AI bot rather than a Master or Judge. These change the nature and role of the lawyer, especially the trainee or junior lawyer who did many of the jobs now being taken on by LegalTech.

Instead of drafting agreements trainee lawyers are now as likely to be 'marking up' content for a contractware tool. This is a possible moment of crisis for the profession. If there is not enough work for junior lawyers – how will be in future have enough senior lawyers who do the types of work LegalTech cannot?

Externally technology is allowing clients to bypass lawyers altogether. LawTech, a kind of LegalTech, is designed to allow clients to deal with their own problems. This includes legal chatbots and self-help tools like the Wevorce (used in divorces) or Appara (which can draft wills and estate documents). In house lawyers now have a suite of tools like Clause Base, an advanced document automation platform and contract management software for in-house lawyers, meaning they rely less on external advice. This is a second possible moment of crisis for the profession.

What does this mean for our students? Should they immediately drop out and start learning how to code? Absolutely not. Highly skilled lawyers will always be in demand. Technology and tools such as large language dataset AI cannot replace the experience and knowledge of a human expert. The daily lives of LSE students will not change, at least not for some time, but they need to think about the skills they are going to deploy to 'beat the robot' in the workplace. That means learning the principles of law, its jurisprudential underpinning, and its role in society and policy development. Any student who sees law as 'rules' and imagines they can learn just these rules (to pass exams) will soon be surpassed by the technology (which is designed to do just this). Learning law in context is the best way to keep ahead of the bots, which is fortunately how the LSE Law School teaches law. Code is not law and cannot replace law.

Shaping intellectual property: a conversation with Sir Robin Jacob

Professor Sir Robin Jacob is Hugh Laddie Chair in Intellectual Property Law at UCL and alumnus of LSE Law. Dr Luke McDonagh and Dr Lumi Olteanu spoke to him about his time at LSE and the illustrious career that followed to an audience of IP undergraduate students.

Dr Luke McDonagh (LM) and Dr Lumi Olteanu (LO): Sir Robin, we are delighted to welcome back to LSE! Where should we begin?

Professor Sir Robin Jacob (RJ): To begin at the beginning… My father's background was from in the community of Sephardic Jews expelled from Spain and Portugal in 1492 many of which went to Baghdad. The family name was Yacoub before becoming anglicised to Jacob. My grandfather moved to Shanghai from Baghdad via India. He settled in Shanghai as an employee of the Sassoon merchant family. My father, known here as Jack Jacob, though his given names were Isaac Hai, was born in Shanghai and went to school called 'The Shanghai Public School for Boys' there. My grandmother in Shanghai had also been born in Baghdad. My mother was the daughter of a journeyman bootmaker, originally from Northampton, but who worked in Soho and my English grandmother was half Irish.

LM: How did your father end up in the UK?

RJ: My father moved to the UK when he was 18 – determined to become a barrister. This he did, studying for


LSE

his law degree first, beginning at LSE and then moving to UCL where he had got a scholarship. He became a barrister and later a Master at the High Court. I was born in 1941 in Oxford, where many children and women, including my pregnant mother, had been evacuated to from their homes in London. Growing up in London after the war, I wanted to be scientist. I loved physics, or thought I did, and my dream was to study physics at Cambridge. And I did!

LO: So what brought you to law – and to LSE?

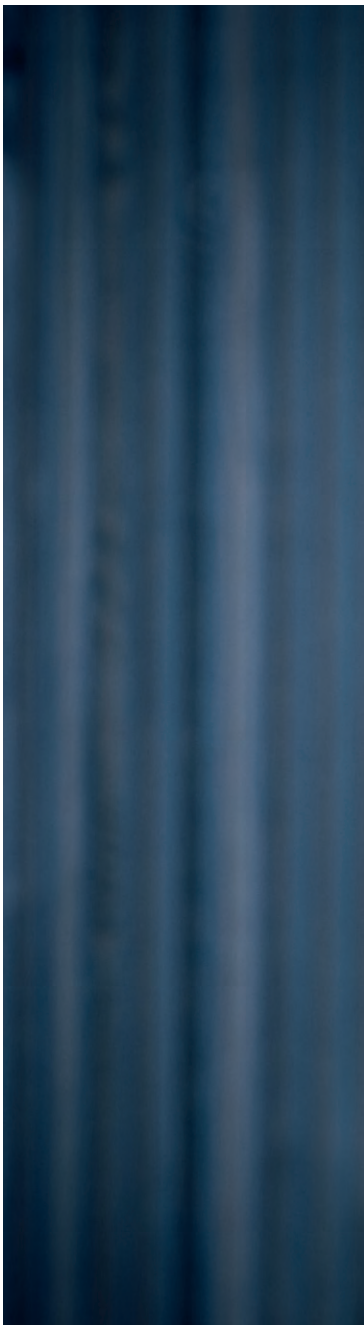
RJ: Well, it's a special story for me because LSE changed my life! I did not thrive at Cambridge. It turned out that I was not as much of a scientist as a thought I was – I got a double third! So, I was looking to do something different. I couldn't think of anything except to do what my Dad had done – besides I had made many law student friends. So I decided, to my father's delight, that I went for the Bar. I started the course in October. But three weeks into the term on a Friday evening I went to see the Gray's Inn student advisor who suggested I should do a law degree at the same time – and that you could do that at LSE. My Dad rang the Convenor of the Law Department, Ash Wheatcroft, on the Monday morning. I was in class that same evening! My first teacher was Bill Cornish who became a great IP law academic.

LO: Robin, can you tell us – what was LSE like at the time?

RJ: LSE was an incredible place to be in the 1960s. I was taught by some giants of the legal profession. Wheatcroft was there. Professor Otto Kahn-Freund had recently been the Head of Department. And, as I have said, that was how I met the late, great Professor Bill Cornish, who taught me contract law. Kahn-Freund encouraged Bill to start the first Intellectual Property Law course at a British university – and Bill did that right here at LSE. Over my career, Bill stayed one of my closest friends. I am very glad that, since his passing, LSE has celebrated Bill's life and contribution with a number of memorial events. Bill was the father of IP law academia in the UK – and it is good to see that IP law is still a prominent subject at LSE Law School today.

LM: While you were at the Bar, why did you gravitate towards IP as your specialist area of practice?

RJ: I have always regarded IP as being crucial to the economy. We've known that for centuries – Jeremy Bentham wrote about it! Apart from that, what drew me to IP was that I was equipped with both a science degree and a law degree, and so I was able to work at the Patent Bar. I argued many important patent cases, including a crucial case called Improver before the Hong Kong courts in 1988, and *Smith Kline v Evans Medical* in London in 1989. I also acted as counsel in copyright and trade mark cases. For instance, in 1987 I represented the film composer Vangelis, successfully defending him from a claim that his musical theme to 'Chariots of Fire' was copied from an earlier song. We won the case, but Vangelis was never quite the same again – being accused of copying really affected his confidence.



LM: In your time as a High Court judge (1993-2003) and Court of Appeal judge (2003-2011) you adjudicated some key patent cases such as *Pozzoli* (2007) on inventive step and *Aerotel* (2007) on software. Some undergraduate students find patent law very technical – what advice do you have for them?

RJ: There is a terrible tendency among patent lawyers to make everything sound overly complicated. Most infringement cases, even where the technology is complex,

are really quite straightforward – what the smart lawyer does is to break the invention down to its key elements and work from first principles. In the *Improver* case, for example, it was crucial to emphasise to the judge how the invention (a depilatory device for hair removal) worked in practice – and how it compared to the rival (infringing) product.

LO: After retiring as a judge, you took up a Professorship at UCL. How have you found academic life?

RJ: I enjoy the role at UCL immensely. It is an honour to be the first Sir Hugh Laddie Chair in Intellectual Property Law, because Hugh was a great colleague and friend until his untimely passing. At UCL we have created a space to communicate with the IP profession and I am very proud of that. But I remain an LSE man – I served on the LSE Board of Governors from 1988 to 2017, and I am delighted to see how the campus has grown. I love coming back to meet the next generation of LSE Law students and I intend to come to speak to each new class for many years to come!

Law and the Problems of our Economies: a PhD reading group

A group of PhD researchers at the LSE Law School has established a reading group to discuss a range of economic problems that affect London and its inhabitants. They explain why it is vital to critically reflect on our local economies and the role which law plays in shaping them.

In 2022, Tom Bagshaw, Jakub Bokes, Bob Roth, Valeria Ruiz-Perez, Shukri Shahizam, and Mikołaj Szafrański, supported by other doctoral researchers, launched an informal discussion group for the Law School student community: *Law and the Problems of Our Economies*. Drawing from law and political economy scholarship, the group aims to offer a space for collaborative thinking about the functions of law in establishing, constructing, and maintaining economic activities. The group met in the 2022-2023 academic year to discuss, *inter alia*, energy infrastructures, London's housing crisis, questions about inflation and distribution, urban spaces, and food systems.

The ability to critically reflect on the assumptions about the ways in which law distributes value and allocates stakes in society is a staple attribute of graduates of LSE Law School. Some gain this competence by attending classes, others by devoting their spare time to reading classic law and political economy texts. Yet even as criticality soars and our astute diagnoses attract more retweets, we become majestically detached from lived experience. What can we substantively say about the role that law, the object of our study, plays in the life of the homeless people assembling every night in Lincoln's Inn Fields? When we identify the incentives that underpinned our coffee shop's decision to introduce a subscription system for drinks, do we also consider to what extent did that make our

barista better off? The discussion group aspires to integrate this overlooked dimension of lived experience, conditioned by diverse economies, into the student community's reflective apparatus. The quest began with a modest attempt to initiate discussions based on singling out events and phenomena that make up the fabric of economic activities that students participate in as Londoners.

The need for such a discussion space has been reaffirmed by the students. In the words of Raoul Devan, an LLM candidate specialising in banking law: 'The 2020s seem to be hinged upon the dereliction of a particular way of living with no alternative in sight. The destruction of the middle-class dream, the environment, and the wider socio-economic fabric of the Western world makes it difficult to identity with a future. The reading group aims to contextualise this transience by weaving in different aspects of academic literature and lived experiences. London and LSE foreground the privilege of our lives – within this bubble, there is hope to understand the causes of the things that change and that confound. Increasingly, it is apparent that apathy towards change and its implications on students and graduates is starkly inadequate. There is a restlessness now to make sense of the times, especially as the world coming out of the pandemic seems to be so different yet so similar.'

Broadening the debates about law and worldly issues beyond the format of problem diagnoses and solution blueprint is an ethical intervention – one that seeks to proffer an alternative site of knowledge production. Ishmael Liwanda, an LLM candidate, adds: 'What made the group such a compelling endeavour to participate in was its focus on law, its potential – and limitations – in helping address many of the economic, political, and social debacles that plague our societies. Fundamentally, I am an optimist, and believe deeply in the power of humans and humanity to transform the world we inhabit and share for the better. An important part of that transformation occurs through discourse. And what a platform for discourse LPE has been.'

In an era of a 'polycrisis', there is no best starting point for discussions about economic transformation. There is, however, value in asking how, and to what degree, we are embedded in local economies. This way, we can explain the distributive function of the law not in the mode of a withdrawn expert, but through the prism of our experience as users, clients, and neighbours. This involves more than simply asking 'who benefits' from the transformations that change the landscape of our local high street. We can calibrate our interest to unmask how political choices and legal vocabularies contribute to the *causes* of these transformations in the first place, and what imaginaries of *alternative distributions* have been foregrounded in the discussion so far. The search for situated knowledge about law and economic problems is not just simply quest for self-enhancement as experts, but also a journey of discovery of our biases and ignorance.

Managing the Law School: Matt Rowley

Ever since taking on the role of Law School Manager, Matt Rowley has been the backbone of LSE Law. In this piece, he gives us a glimpse into his work, achievements, and private life.

As Law School Manager, I lead the Professional Services team and have oversight of all administration and operations within the Law School. I work very closely with the Dean but interact daily with colleagues across all areas. It is this variety and the wonderful people in our community that make my job so enjoyable. I have been in this role for eight years but at LSE even longer, having spent my whole professional career here.

I had originally hoped to work in the biomedical industry but after three years of studying biochemistry I fell out of love with the day-to-day, repetitive practicalities of lab-based work, so after graduating I moved to London and (luckily for me) took a job at the LSE admissions office. That was in 2005 and I've been here ever since, working my way up through several different roles covering the whole scope of Departmental administration. Although I may have not originally planned to work at LSE or in HE administration, I feel very lucky to have had the opportunity to do so. I find LSE to be a very inspiring place to work. There are very high expectations of quality and hard work throughout, but this is also alongside a caring and on the whole very collegiate culture. People who join tend to stay quite a while. I have not completely forgotten my roots as we recently named our puppy, Linus, after two-time Nobel Prize winning biochemist Linus Pauling.

The focus of my role is closely linked to that of the incumbent Dean. I very much see myself as being there to provide support and help them achieve their goals. I've been very lucky to work with three great Deans (Jeremy Horder, Niamh Moloney, and David Kershaw), all of whom had slightly different goals and challenges to address. A change in boss and potentially direction every three years is both exciting and challenging, but even with a regularly changing head there is a core continuity that is maintained within the Law School through a shared culture and very clear governance structures.

One of my proudest achievements is the recent refurbishment of the Law School's physical space, a process that has spanned over seven years and the tenures of three Deans. I truly believe that we have created a physical space that now matches our global excellence in research, teaching, and staff and student body. But it certainly was not easy to get here, requiring us to push hard at every step to ensure that we got what the Law School deserves. We were relentless and I'm sure we frustrated the architects, space planners, and builders on multiple occasions as we debated, queried, and questioned why we could not get just a little bit more or do it slightly differently!

I am particularly proud of how we have now put students central in our space. Whereas previously our floors may have felt unwelcoming and uninviting to students, our new student Common Room and Study Space takes up nearly half of the new 5th floor and is positioned in the heart of the Law School. It is by far the best dedicated student space at LSE and it is only so because we fought for it to be so every step of way.

Another part of my job that I am really proud of is how our Professional Services team have grown and developed over the years. The Law School would not be able to function without the hard work of our PSS colleagues supporting students, teaching, research and operations. We have a mix of 'LSE-careerers' like myself and some newer additions, which creates a nice dynamic and energy to the team.

In addition to my work in the Law School, I also spend a quarter of time working on LSE wide projects focused on improving the student experience in the role of 'LSE Student Communities Strategic Lead'. This exciting new initiative has allowed me to lead a new team that works on making enhancements to major milestone events such as Welcome and Graduation. It has been lots of fun and it is great to have an impact across the whole of LSE.

In my personal life, I have just returned from a period of three months of shared paternity leave where I cared for my daughter, Juliette, between the ages of 9 to 12 months while my wife returned to work. This was a truly transformational experience, and I would strongly encourage all new parents to make use of the scheme where they can. On a personal level it was wonderful to have that one-on-one parenting time without the distractions of work, but I also think that it was positive for the Law School as it allowed colleagues in my team to step up, take on new projects, and develop themselves while I was away.

Although I have a lot less spare time that I used to, when I am free I enjoy writing and producing music for my band Got Got Need. We have been together for over a decade (formed with a colleague who also works at LSE) and been through a number of different line ups and musical directions. The current version is just two of us, myself producing the music and a singer on vocals and lyrics. Our sound ranges from Nu-disco to House, with elements of Drum and Bass. Whatever gets us moving. We plan to finally complete an album but work and family life keeps getting in the way. Another thing for the to-do list!

Howard Tempier
Managing Counsel – Global at Chanel
Photo by Praise Olawanle

The 10th anniversary of the ELLM programme

In December 2023, the Law School's ground-breaking Executive LLM programme celebrates its ten-year anniversary. On the 16th December 2013, the first cohort of 20 students arrived on campus, taking modules on Fundamentals of International Commercial Arbitration, Comparative Corporate Governance, and International Economic Law. Almost a decade on, the programme has grown significantly. The ELLM now offers over 50 modules – ranging from Corporate Restructuring, through Arts and Antiquities Law, to Terrorism and the Rule of Law – having welcomed over 250 students in that time, with almost 150 now having graduated.

The ELLM is a law masters programme specifically aimed at working lawyers. The programme is studied part-time, through intensive, week-long, on campus teaching sessions. There are four teaching sessions through the year: two in April, one each in September and December. Students can choose which sessions to attend and what modules they take, with a view to completing eight modules within a four-year period. Upon completion, students obtain a full LLM degree.

Professor Charlie Webb, Director of the Programme, commented: 'The idea behind the LLM was to provide a masters programme tailored for working professionals, which provided all the benefits of our regular LLM — a diverse range of modules, all taught on campus and by LSE experts — but with the flexibility needed by those whose professional or family responsibilities prevent them from committing to full-time study. But it has become clear that the benefits of the ELLM extend beyond opening up masters study to those in full-time work, for our students really value the connections they make through the programme with other lawyers from across the world.'

The ELLM is not simply the first but remains the only law masters course of this kind in the UK. As Professor Webb says: 'The ELLM shows the LSE Law School at its best. It combines innovation and excellence in legal education, while enhancing our already close connection with legal practice.'

For more details about the ELLM, go to the programme website — **lse.ac.uk/law/study/ellm** — or contact the ELLM team at **law.ellm@lse.ac.uk**

Rachel (Weston) Eschenbacher
UN Women

Photo by Praise Olawanle

LLB and LLM Prizes

The Law School Dean's List and Dean's Medals were introduced in 2021/22 to recognise outstanding performance. LLB students obtain a place on the Dean's List for the year by achieving a mark of 73 or over in individual law courses, while the Dean's Medals are awarded to students for the best overall performance in the final year of study.

Dean's List for the LLB 2022/23

Defne Akyildiz 2022/23 Dean's List for Introduction to the Legal System.

Sabeel Alam 2022/23 Dean's List for a 15,000 word dissertation.

Lawrence Alford 2022/23 Dean's List for a 15,000 word dissertation.

Ricarda Angebrandt 2022/23 Dean's List for Media Law.

Ben Barker-Goldie 2022/23 Dean's List for International Protection of Human Rights.

Christine Barones Van Voorst Tot Voorst 2022/23 Dean's List for Introduction to the Legal System.

Georgios Berachas 2022/23 Dean's List for Intellectual Property Law.

Hande Bozkir 2022/23 Dean's List for International Protection of Human Rights.

Alice Burrus 2022/23 Dean's List for Property I.

Alice Burrus 2022/23 Dean's List for Introduction to the Legal System.

Zai Cheng 2022/23 Dean's List for Law of Obligations.

Zai Cheng 2022/23 Dean's List for Public Law.

Zai Cheng 2022/23 Dean's List for Criminal Law.

Emma Chew 2022/23 Dean's List for Property I.

Jun Chim 2022/23 Dean's List for Outlines of Modern Criminology.

Jun Chim 2022/23 Dean's List for Topics in Sentencing and Criminal Justice.

Alessandro Coppola 2022/23 Dean's List for Law and State Power.

Alessandro Coppola 2022/23 Dean's List for Law and Institutions of the European Union.

Devangi Dave 2022/23 Dean's List for Medical Law.

Thomas Doyle 2022/23 Dean's List for a 15,000 word dissertation.

Zuzanna Dziewulska 2022/23 Dean's List for Media Law.

Rasheed El Merheb 2022/23 Dean's List for Introduction to the Legal System.

Cameron Fenwick 2022/23 Dean's List for a 15,000 word dissertation.

Niharika Goyal 2022/23 Dean's List for Jurisprudence.

Amadea Hofmann 2022/23 Dean's List for a 8,000 word dissertation.

Fei Hon 2022/23 Dean's List for Law of Business Associations.

Jack Johnson 2022/23 Dean's List for Intellectual Property Law.

Eleanor Johnston 2022/23 Dean's List for a 15,000 word dissertation.

Sanshi Kaur 2022/23 Dean's List for Competition Law.

Li Ker-Shin 2022/23 Dean's List for Law and the Environment.

Ka Ko 2022/23 Dean's List for Commercial Contracts.

Ka Ko 2022/23 Dean's List for Law and Institutions of the European Union.

Nikola Lalic 2022/23 Dean's List for Intellectual Property Law.

Nikola Lalic 2022/23 Dean's List for Jurisprudence.

Kwong Lam 2022/23 Dean's List for Law and Institutions of the European Union.

Muk Law 2022/23 Dean's List for Commercial Contracts.

Zachary Lee Ze Kai 2022/23 Dean's List for European Legal History.

Lily Merrett 2022/23 Dean's List for International Protection of Human Rights.

Terence Milner 2022/23 Dean's List for Law and the Environment.

Cara-Rose Morgan-Heatley 2022/23 Dean's List for Family Law.

Catherine Morrell 2022/23 Dean's List for Law and State Power.

Cora Morton 2022/23 Dean's List for Employment Law.

Simon Olmer 2022/23 Dean's List for Law and State Power.

Ayomide Osindero 2022/23 Dean's List for Intellectual Property Law.

Maya Patel 2022/23 Dean's List for Public Law.

Nhan Pham-Thanh 2022/23 Dean's List for Jurisprudence.

Nhan Pham-Thanh 2022/23 Dean's List for a 15,000 word dissertation.

Aishath Riyaz 2022/23 Dean's List for Family Law.

Fee Robinson 2022/23 Dean's List for a 15,000 word dissertation.

Mallika Savara 2022/23 Dean's List for Public International Law.

Kayan Sayeed 2022/23 Dean's List for International Protection of Human Rights.

Julia Schonfeld 2022/23 Dean's List for Global Commodities Law.

Eunsoo Shin 2022/23 Dean's List for Property I.

Dean's List for the LLB 2022/23 (continued)

Yashvard Singh 2022/23 Dean's List for The Law of Corporate Insolvency.

Marta Stepniewska 2022/23 Dean's List for Law of Business Associations.

Ri Tan 2022/23 Dean's List for Law and the Environment.

Freya Walker 2022/23 Dean's List for Media Law.

Rosemary Wang 2022/23 Dean's List for Property I.

Rosemary Wang 2022/23 Dean's List for Introduction to the Legal System.

Oliver Yap 2022/23 Dean's List for Outlines of Modern Criminology.

Zoya Yousef 2022/23 Dean's List for Intellectual Property Law.

Yinglun Zhao 2022/23 Dean's List for Introduction to the Legal System.

Dean's Medals for the LLB 2022/23

Dean's Medal for Best Overall Performance on the LLB

Jack Johnson

Dean's Medal for Second Best Overall Performance on the LLB

Thomas Finn Doyle

Dean's Medal for Third Best Overall Performance on the LLB

Jun (Jenkin) Chim

Dean's Medal for Best Undergraduate Dissertation

Thomas Finn Doyle

LLM 2021/22

Winner of Dean's Medal for Best Overall Performance on the 2021/22 LLM Programme.

Hector Penny

Winner of Dean's Medal for Second Best Overall Performance on the 2021/22 LLM Programme.

Robert Gray

Joint winner Dean's Medal for Third Best Overall Performance on the 2021/22 LLM Programme.

Charles Bruce

Joint winner Dean's Medal for Third Best Overall Performance on the 2021/22 LLM Programme.

Chanchanok Poolvoralaks

Winner of Dean's Medal for Best Postgraduate Dissertation on the 2021/22 LLM Programme.

Christopher Chapin

Impact

‘In the Room Where it Happened’: Professor Moloney heads up the Irish Taxation and Welfare Commission

In September 2022, the Irish Department of Finance published the 550-page report of its Commission on Taxation and Welfare.[1] That body had been established in April 2021 to undertake an independent strategic appraisal of the Irish taxation and welfare systems, and to advise on future policy reforms. The Commission was chaired by LSE Law professor, Niamh Moloney. Its report has been widely welcomed as a foundation for innovation in the Irish taxation and welfare regime. In this piece, Professor Moloney discusses her involvement with the Commission, and reflects on her experience in leading this ambitious project with Dr Andrew Scott.

Andrew Scott (AS): To open, can I ask you to outline the key findings and recommendations in the Commission's report?

Niamh Moloney (NM): The single biggest message from the report is that, given the medium to long-term threats to fiscal sustainability, the overall level of revenues raised from taxation as a share of national income must increase materially to address these threats, and this revenue should be raised in a way that is progressive and efficient. Essentially, that means broadening the base of taxation in a manner that minimises economic, social, and environmental costs. That was the core message.

Another major challenge we identified was the need to sustain social cohesion and intergenerational equity. Over the last generation, Ireland has certainly become a richer and somewhat more equal society. But we felt it very important that everyone continues to be fairly supported in Ireland.

A third challenge we had to factor in was that Ireland, like most economies, is faced with the defining challenge of carbon reduction. We sought to promote the move to a carbon-neutral economy in a manner that is sustainable and maintains social cohesion through a 'just transition'.

And in all of this we considered it vital to ensure that Ireland remains a supportive environment for enterprise, innovation and investment. This involves continuing to attract foreign direct investment, but also promoting indigenous enterprise and entrepreneurship.

AS: So what were your key recommendations?

NM: We offered a wide range of recommendations (116) combined in an inter-woven, holistic package. Some of these were directional: for example, that the overall level of revenue raised needs to rise, that substantive reforms are therefore necessary, that we should be shifting the balance of tax from its heavy incidence on labour towards capital, wealth and consumption, and that we should avoid over-reliance on corporation tax receipts. Others were more specific to the operation of particular taxes and social assistance benefits.

AS: You mentioned the factors that framed the whole inquiry, but one of the most important and interesting factors was omitted: the word 'North' appears only six times in the whole report. You had set out the future pathologies, prospects, the framing environment if you like, but wasn't the prospect of Irish unification and the ramifications of that for precisely these issues of welfare and taxation an enormous elephant in the room? Did you get a steer away from that? Was it seen to be just too politically contentious to go there?

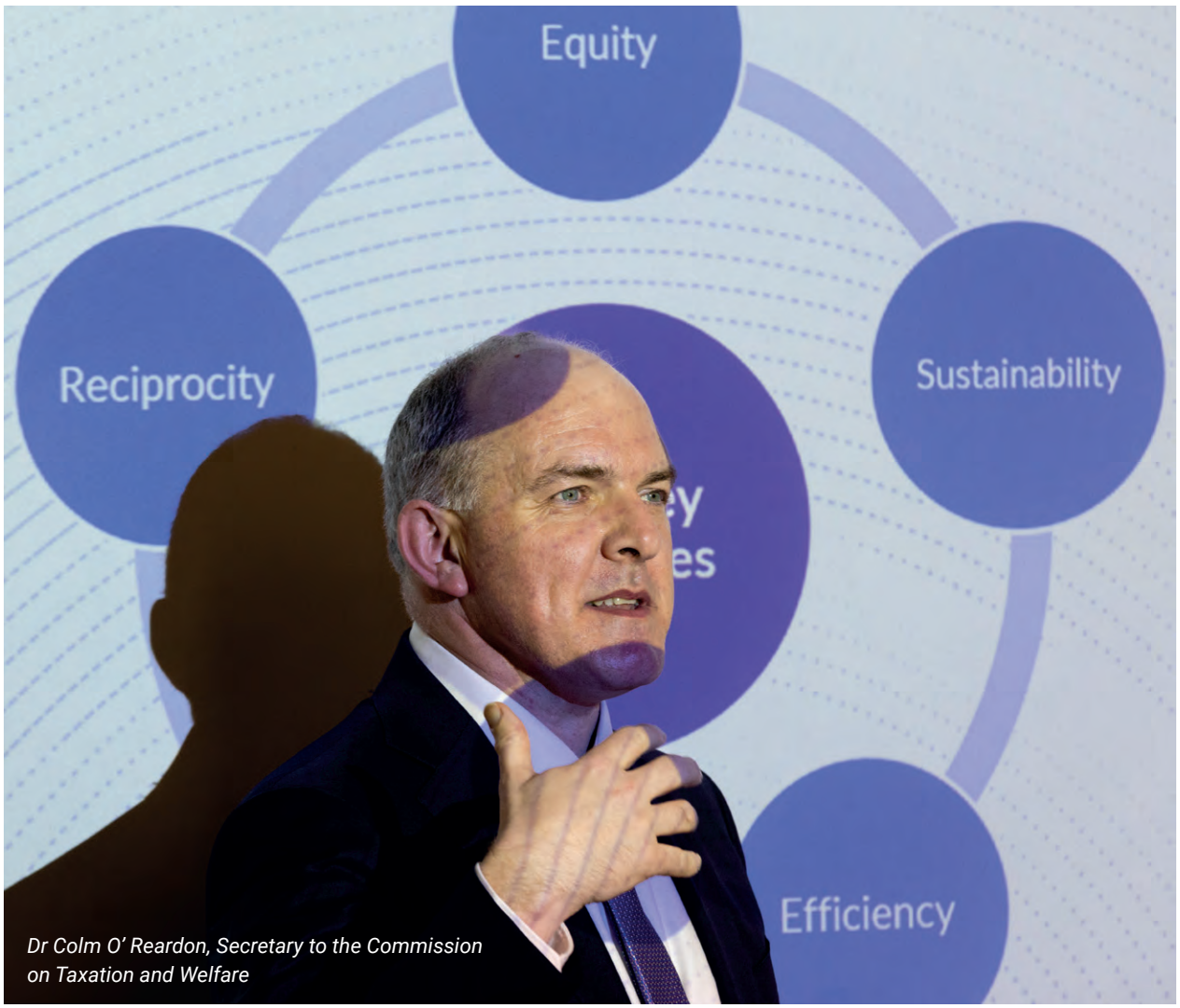
NM: The straightforward answer is that in an exercise like this you are always looking towards your Terms of Reference and those are set by Government. They frame where you are to look and when something that big isn't called out in the Terms of Reference you don't really have a mandate to go there.

AS: I guess the alternative would have been to say: 'we are dealing with welfare, we are dealing with taxation, so let's now deal with the constitution as well'. That might be a bit too much even for a professor at LSE! The task that you were presented with was already a truly enormous one. Taxation and welfare are foundational to the business and structure of government. What a privilege to be the person heading it up, but what a burden!

NM: On a personal level, at the start, I felt a sense of huge responsibility. We had very broad Terms of Reference, and taxation and welfare go right to all the touch-points that we all have with the state. Also, these systems are powerful – you pull on the taxation and welfare 'levers' and things happen, so you have to be careful. And we were established to stand back and look at the future direction of the two systems in light of future challenges, which required that our review had to be a future-facing, enduring document.

My job was to set direction, to establish tone, and to facilitate the Commission in coming to common understandings and, ultimately, in agreeing on our Report and its Recommendations. We were supported by a

[1] Foundations for the Future, available at **gov.ie/en/publication/7fbeb-report-of-the-commission/**



Dr Colm O' Reardon, Secretary to the Commission on Taxation and Welfare

superb Secretariat (from the Irish Revenue, Department of Finance, and Department of Social Protection), led by the Commission Secretary, Dr Colm O'Reardon, a distinguished senior civil servant.

What I found fascinating was the interaction between the Commission – where you have the 12 experts negotiating and playing out issues – and the Secretariat who are observing the debates as they are happening and then responding: they are writing the briefing papers, capturing the debates and issues, responding to requests for information, and so on. The Report then evolves over time; it is built up incrementally through briefing papers, through draft chapters and, as you get nearer the time, there is a great deal of active drafting and revising. In all this, we were incredibly well supported by the Secretariat.

AS: So the Commission was enormously powerfully supported from within government, but who was doing the supporting there? Is this an agenda that people within the civil service appreciate as fundamentally important for the future, or is it being driven by the Minister? Isn't the minister, Paschal Donohoe, exhibiting enormous bravery to open this can of worms and invite an array of policy recommendations based upon profound investigation that may well not adhere to his own policy perspective?

There was never any sense of any kind of political direction or pressure, notwithstanding the widespread debate on taxation, including internationally and in light of the OECD 'two pillar' solution. I met the Minister at the very start, and he was very supportive. As to what level of risk he was taking, well the establishment of the Commission was a commitment in the Programme for Government agreed by

the 2022 Coalition Government: it was in its mandate. So, it was a government commitment, but you never know what direction something like this is going to go.

AS: The Report has been given a life of its own now, it's gone into the public domain, it's being publicly debated. I did like the language in the *Irish Times*: 'debate is now inevitable and essential'. But the invitation that you made for people to consider the proposals holistically has been acknowledged but then subtly rejected as some politicians and interest groups have said: 'well yes we have to consider this in the round, but we really don't like this part'. It seems that people are beginning to pick apart individual recommendations and to start driving for their rejection or adoption or revision…

NM: I think that is exactly right. The report was launched in September 2022, and really from then on there has been significant debate about it. Stakeholders generally liked the thrust of the Report overall and agree that it is well-argued, balanced, and fair, but interest groups will, naturally, hone in on their issue. I suppose my answer to that is: 'this is one set of answers, but, and in particular given demographics, the question of fiscal sustainability isn't going away so if these answers don't work there is going to have to be another set of answers'.

An exercise on this scale is all about choices and how the choices are best made, and we made them in particular way as an expert group with the benefit of standing back from the day-to-day. This is the huge advantage of being an independent commission: you are aware of the political economy, but you are not part of it, and so you can stand back and do the medium-to-long term strategic thinking, and then pass your recommendations into the political space for them to be actioned. Which is right: it is for the democratically accountable part of the state to make the decisions as to implementation.

We do see the Report as forming an interconnected set of reforms. It is a package. But how the reforms are technically designed, when, the rates that are applied and yields that are sought, and so on – these are questions for the political process. So in a way, the very fact that this big dialogue is happening is the perfect result. One thing we really wanted to do was shape the national conversation on taxation and welfare, and that is definitely happening.

AS: By way of follow up, the Oireachtas [Irish Parliament] Committee on Budgetary Oversight have been listening to all sorts of people and becoming now the focus of that public debate…

NM: Yes, it is really interesting and it was great to see. I appeared before the Committee at a hearing at the very start of the process and then at the end – last week, as it happens. But the Committee has also spent much of this year going through the Report, chapter by chapter, with key stakeholders and experts. As I understand it, they are now going to write a report on it. It is great to see our work getting that kind of airing in the Parliamentary process. And in the Budget Statement in September 2022, the Minister for Finance welcomed the Report and committed to looking at aspects of it in the near future, so it is in the system and we will see what happens…

AS: The *Irish Times* commented on the Report. They welcomed it and were positive and I would very much have liked to have read that as the author of a report of that nature, but the between-the-lines thrust of the editorial was: 'this is all well and good, but for so long as the corporate tax take remains strong no politician is going to bite on these things'. And then there was some political pushback, as reported at the time, from Leo Varadkar.[2] I wonder how you felt about that.

NM: I think three reflections come to mind. The Report was launched at an incredibly difficult time. Inflation was at its highest rate in decades in Ireland, households were hurting, and, at the same time, corporation tax receipts were (and continue to be) very strong. Our core message – the need to raise revenue to address future sustainability risks – was, of course, a difficult one in these circumstances. But we were saying: 'you have to look out, 5, 10, 15 years and prepare for the future'. We were identifying structural risks and offering structural solutions. But it's a difficult message obviously for people to hear if your home heating bill is going up, and the cost of butter is going up, and what you are paying in consumption taxes is rising along with that. At the press conference when the Report was launched, quite reasonably, the kinds of questions I was getting were: 'why are you recommending all this when people are really struggling?' And the answer is that the Report is 'not for the now', not for the current budgetary cycle. It is a set of principled reforms to put the tax and welfare systems on a sustainable basis for the future.

The second comment is that a significant chunk of the Report is about social protection although at the time, and probably inevitably, it was the tax story – the need to raise additional revenues – that was dominant. But there is a very strong social protection story in the Report which is about, for example, working age assistance payments, the benchmarking of social welfare payments, and a new rate of child support for low-income families, and that didn't get the same kind of airing to begin with.

[2] See **independent.ie/irish-news/leo-varadkar-compares-commission-on-taxation-proposals-to-sinn-fein-manifesto/41989475.html**

Finally, we were delivering a message as to the need to raise more revenue at a time when corporation tax receipts were (and remain) historically high. Right now, the corporation tax take is some 50% higher than last year. That makes a revenue-raising message challenging for politicians because they work in the 'now'. But even if the take on corporation tax was tripling, we would still be saying 'okay, but you still have to look ahead', particularly to the costs of our ageing population and given the risks of placing too much reliance on corporation tax receipts.

AS: And that's likely to be a medium to longer term debate as well, isn't it? Such things are almost a sign-post of the type of society that you want to be. Do we want to be more Scandinavian in outlook with higher social democratic commitments and therefore higher cost, or do we want to be Anglo-American? And that really is the underpinning tension of the whole thing.

NM: So, one thing I didn't know before I took on this role as Chair, and one of the really striking features about the taxation and social welfare systems in Ireland, is the huge impact these systems have on inequality. By mainstream measures of inequality and wealth, we have the second highest level of inequality in the OECD. But when the tax and welfare system kicks in, we move right down into the middle of the table. In other words, the taxation and welfare systems are doing a very muscular job in redistributing income in Ireland. That tells you that there is a societal, political commitment to redistribution and to adequacy. While we have not been a Scandinavian model country, I think there is a very strong sense of achieving reciprocity and adequacy in how the systems are designed.

AS: You said that you had just had your last formal engagement with the project at the Oireachtas Committee. What do you see your role as being now? Do you see the ongoing debate happening without you contributing to it?

NM: Yes, it's interesting. I see it as having a life of its own now. It is being debated independently. I do hear about seminars that are being hosted on it and it's being debated in universities and that's great. I think I'll always follow it with huge interest, there is no doubt about that, but I suppose I see it now as being in the system, people are debating and discussing it, and I am very much stepping back from it really at this stage.

AS: From the other end of the telescope, it is very easy to see understand the Irish Government's interest in you chairing this project: you are a very high profile, Irish, public intellectual, someone who isn't working directly in this area but has gravitas… almost ideal to pull this type of exercise forward with independence and the perception of independence that it requires, but what was in it for you in taking this on? Did you not quake?

NM: Yes. Definitely, I absolutely did. Because it was a completely new thing to do. I'm not a tax person; I'm not a welfare person. So, I was not a subject-matter expert. And the whole way through my career, say something like being on the Board of the Central Bank of Ireland, well I'm a subject-matter expert, I know the terrain. In this I didn't know any of the terrain. So, for me it was something entirely new.

But I suppose I have always been massively interested and slightly dazzled by government – the process of government, how things happen. I don't know if you've ever seen *Hamilton* the musical, well there is a fabulous song in it about 'being in the room where it happened', and I love *The West Wing*, and so I have always had a huge, possibly over-the-top interest in government and process, so being close to that was hugely attractive.

And then as well, there was probably an LSE dimension, coming from us as an institution wanting to understand the causes of things. When I was asked to do this, initially I thought well, this is the kind of thing that LSE does – it's a bit like the Beveridge process, and when I met the Commission for the first time I said I'm thrilled to be here, I'm from LSE, and almost our defining document is the Beveridge Report.[3] So, I am just hugely admiring of these kinds of large-scale policy exercises.

And then just on a purely personal level, I had just finished being Head of the Law School, through the challenging Covid period, and one of the things I'd thoroughly enjoyed was working with colleagues and trying to get something done in complex circumstances, and I got a lot out of that interaction with people. So, this idea of being in this sort of very compressed group of people working closely and getting something done was actually really super-attractive. But was I scared, absolutely, or daunted maybe is the better word.

AS: You are right to draw the comparison with Beveridge, that is the scale of this enterprise, and in that regard it is enormously impressive that you delivered it in such a short timeframe. The other thought then is, well you've had that insight, you've been able to sit that close to government, that close to power, and to get things done, does it not intrigue you or incite a desire to do more of that in the future?

NM: It probably does. I think once you've seen that kind of exercise up close, you see how fascinating it is. One of the great things about academic life is that we have ways

[3] Beveridge Report 1942, available at **blog.nationalarchives.gov.uk/beveridge-report-foundations-welfare-state/**

of interacting with that world and being part of it, which is hugely attractive.

And one of the things I took away from it was a much greater sympathy for politicians and for the whole architecture of government. Other people have said this in a much more sophisticated way than me, but when you see how incredibly hard politicians work, how complex the terrain is between media and stakeholders, and how they have to try to carve out that little landing spot where you can get something done, it is actually incredibly hard.

And at the level of the permanent civil service you have really clever committed people boxing in very tight spaces – when as academics we are not boxed in as much – and you just get a real impression of the complexity of the machine that has to move.

And going back to the question of 'what was in it for you', 'why did you go for it in the end', well, for me there was one defining moment in the Irish state's response to Covid. It was over a weekend, in the middle of March when the pandemic was biting, and we were just locking down, and all was very scary – there was this one weekend when the PAYE system, the massive automated technological system that draws in revenue in live-time from payrolls across the country, was pivoted, turned-inside out in effect, to pay out Covid supports. That was phenomenal. The legislation was written, the system was redesigned literally over a weekend to pay-out the emergency Covid supports. I took away from that a sense of 'wow', when the state has to step in it can do stuff. We, as citizens, tend to beat up government and the public services, but yet there are moments when it is only the state that can act, and at that particular moment in time it did and you saw the two come together, the taxation and the welfare systems, and I thought it is a real reminder of why government matters.

We can all be activists

LLB student Tobe Amamize shares her experience of launching a petition for compulsory teaching of black history in Scottish schools and advocating for racial justice.

In 2020, during the wake of the Black Lives Matter movement, I started a parliamentary petition which called on the Scottish government to implement mandatory teaching of Black History in schools. My petition amassed over 3,000 signatures, and after consultations with the Scottish government, the Education Secretary committed to 'talking to key stakeholders to identify what further steps can be taken to ensure wider social and systematic improvements are made to ensure equality for all in Scotland'. My petition was covered by the *Daily Record* (national newspaper) and re-posted on social media platforms by the likes of Ncuti Gatwa (Rwandan-Scottish actor) and Paige Turley (Love Island Winner 2020). While my campaigning has kept 'decolonisation of the curriculum' on the agenda, I believe that more needs to be done to ensure it is a matter that is given the due attention it deserves, so that one day, Black History, in all its fullness, is taught in schools.

Why I started

Like many people in the Spring of 2020, when I saw the footage of the horrific murder of George Floyd, I was deeply saddened. However, alongside this feeling of sadness was this residual feeling of anger. How could we let this happen again? How many more lives need to be lost before we tackle the evident problem of racism? And such was only made worse when watching the coverage of the incident in Britain, where the focus was not on what should be done to tackle racism, but rather on whether it existed. A question which does not require you to be an ethnic minority to gauge the answer. But it was not just the return to these old debates that frustrated me, there was another aspect of the media coverage that I found troubling. The British media treated the murder of George Floyd as a foreign incident, something that has never happened and could never happen in Britain. However, such a narrative is wildly inconsistent with the history of Britain. Limited on time to give a whistle-stop tour of British history, what can be said in brief is that, contrary to common belief, police brutality is not a foreign concept from which Britain is immune. Police brutality is present here in the UK, and has been for a long-time. A look at the tragic deaths of Sarah Reed, Joy Gardner, Sheku Bayoh, and, as recent as September 2022, Chris Kaba, just to name a few, confirms this. In this, I realised that a lot of racism thrives on ignorance. It thrives on people not knowing, not just Britain's deep colonial past, but also, its present. The best way to tackle ignorance, in turn, is through education. Hence, I gathered my words and began a parliamentary petition which called on the Scottish government to implement mandatory teaching of Black History in Scottish schools.

What I did

Having never really thought of myself as an activist, I was entering uncharted waters. Unsure of the best way to raise awareness for my petition so I could gather signatures, I used a lot of different methods to promote my petition. The first method was emailing MPs about my petition. Yet, the responses were few and far between and when I did get a reply, they were at best words of encouragement, but nothing more. Knowing that I had to do more, I turned to social media. In this, I created a TikTok account where I ran a segment called 'Daily Doses of Education'. I posted educational videos which told the story of Black History that is often omitted from the curriculum. This proved to get traction, with my most popular video gaining 16.4K views. After gaining some awareness for my petition online, I was able to secure a sit-down TV interview with Scottish broadcaster STV News, where I discussed my reasons for starting the petition and called for more people to sign it. The interview created a ripple effect of different opportunities to promote my petition, some of which included writing about my campaign in magazines such as the *Black Ballad*, *The Children in Scotlan*d magazine, and *The Herald*. And I also made guest appearances on BBC Radio Scotland where I spoke on a range of topics such as 'decolonisation of the curriculum', and 'taking the knee'. Cumulatively, these methods proved to be a success in raising awareness for my petition as in the end my petition amassed over 3,000 signatures and the Education secretary committed to 'ensuring wider social and systematic improvements are made to ensure equality for all in Scotland'.

What the future holds

Well aware of the fact that politicians often make promises they do not keep, I decided to pursue a law degree after my campaign so that I could be armed with the tools to create enduring change. Thus, a large part of why I am studying law at LSE stems from my campaigning. Unsure of what the future holds after completion of my degree, what I am sure

of, is that whatever road I choose to take, part of it will be dedicated to ensuring justice does not mean 'just us' – yet, believing that this is a burden that should not be carried alone. I urge you to remember that you too can be an activist. In our everyday lives, we are confronted with instances where we can choose to stand up for what is right or stay silent. But also, not disillusioned to the fact that it is not always easy to do what is right, I hope encouragement is found by the reminder that 'we pass through this world but once, so any good thing we can do, we should do it now, for we will not pass this way again'. Hence, the next time you see an injustice (and this does not have to be racial), I urge you to confront it, although it might be uncomfortable. I can assure you that words uttered are much better than the regrets one has over words unuttered. A simple step could even be in the form of looking for ways to diversify the LLB curriculum. Although this may be constrained by the nature of the course, it should be considered where possible.

On a parting note, in the hopes that it provides some use, I have listed some of the resources that have aided me on my activism journey.

Books

Natives: Race and class in the ruins of Empire by Akala

Black and British: A Forgotten History by Professor David Olusoga

In Black and White by Alexandra Wilson

Documentaries

Alt History: Black British History We're Not Taught in Schools – BBC Stories (YouTube)

Small Axe (BBC iPlayer)

Stephen Lawrence: Has Britain Changed? (ITV X)

Imagine a future without legal sex: The politics and perils of feminist law reform

In October 2022, Professor Nicola Lacey, Professor Davina Cooper, and Professor Anne Phillips came together at LSE to discuss the findings of recent research conducted by Professor Cooper and colleagues on the future of legal sex and gender. Dr Sarah Trotter reports on the event.

What might a future without legal sex look like? How might we get there? And what might the imagining of that future entail? These were the questions that were at the heart of an event that was held at LSE in October 2022 to discuss the findings of a four-year collaborative research project (**futureoflegalgender.kcl.ac.uk/**), funded by the Economic and Social Research Council and directed by Professor Davina Cooper, on the future of legal sex and gender.

The *future* of these categories, that is, in a context in which currently, the law in England and Wales assumes their significance and provides for their constitutive effects. At birth, babies are registered as female or male, and from this follows a whole series of assumptions in law, including that unless a person has obtained a Gender Recognition Certificate under the Gender Recognition Act 2004, then their gender is the same as the sex that they were registered with (or assigned) at birth. As Professor Nicola Lacey highlighted in her opening comments at the October event, this is often taken for granted; and not only is legal sex status taken for granted but so also the assumptions that underpin it and the regulatory consequences that follow from it. Professor Anne Phillips returned to this point in her own comments, asking: 'why do we think it's so obvious and uncontroversial that we would be assigned the identity of male or female at birth when most of us would repudiate any suggestion that we would be assigned a legal identity based on our race or our sexuality or our religion or our culture?'

The report published by Professor Cooper and colleagues in May 2022 – 'Abolishing legal sex status: The challenges and consequences of gender-related law reform' (**futureoflegalgender.kcl.ac.uk/final-report/**) – invites a rethinking of this system and explores the possibility of dismantling it by abolishing legal sex and gender status. As Professor Cooper explained in her talk at LSE, abolition emerged in the research as a particularly interesting idea to examine given the level of administration involved in the current system, the opacity of the rationale for legally regulated sex and gender categories, and the degree to which challenges posed by critics of abolition can also be taken to urge a wider rethinking in a range of areas. Challenges relating to sport, data collection, safe spaces, and positive action, for example, can be taken, Professor Cooper argued, to prompt questions about ways of tackling violence, precarity, and unfairness that do not rely on legal sex.

The process of dismantling legal status is referred to in the report as a process of 'decertification'. This would involve, Professor Cooper explained, 'removing sex from birth certificates along with the institutionalised assumption that people have a corresponding legal gender'. Subsequently, 'transitioning at a formal level [would become] redundant, and laws and policies anchored in a sex or gender binary… would need to be revisited'. This would not mean that gender inequality could not be addressed by governments, however; rather, 'sex and gender would be analogous to other equality grounds which aren't carriers of legal status'.

The research identified how for advocates, decertification presents three main benefits: its capacity to 'unsettle the state's power to determine which genders are valid, the processes through which they come to be designated or acquired, and the asymmetries that explicitly operate between them'; its capacity to 'unsettle the performative force of legal sex and gender'; and its capacity to '[lessen] the burdens on those who live gender and sex in non-conforming ways, for whom regulated transitioning between categories of women and men only is a limited and unsatisfactory option'. Some jurisdictions, like Germany, have gone beyond this binary framework and formalised non-binary gender identities. But this has not yet happened in Britain; and, as Professor Cooper explained, the research

showed that what is happening in practice is that other bodies are doing this work: 'the kinds of things people told us about were councils who recognised non-binary people as pregnant, job-seeking, and users of public facilities; public health authorities using gender-neutral terms for body parts and processes; unions recognising non-binary members in their documentation and policies; and schools allowing children to take up non-assigned gender categories'.

Concerns about decertification were also identified in the research, particularly as these related to the sense that categorisation offered 'confirmation and certainty', '[supported] acts of reliance', '[avoided] intrusiveness', and 'offered a form of standardisation'. Such concerns, Professor Cooper argued, 'are important to take seriously. They identify problems of violence, suspicion, exploitation, stereotyping, and lack of shared norms. But is state-imposed membership in a legal category of women and men the best way to address them? … Legally-controlled membership isn't used for other categories of inequality in Britain, such as race and sexual orientation, and nobody we interviewed said they should be introduced. So this suggests that other means either exist or would need to be found for these categories to work effectively, for instance to counter racism'. One context, Professor Cooper added, in which 'the challenge of using categories remedially surfaces' is positive action to address underrepresentation, and this is often raised by critics of decertification who are concerned with the effect that it could have on positive action for women. But there are ways beyond sex, Professor Cooper emphasised, in which positive action could be organised – ways which '[avoid] pinning down who counts as a member of a category such as women'. The question is explored in detail in Professor Cooper's article 'What does gender equality need? Revisiting the formal and informal in feminist legal politics' ((2022) 49(4) *Journal of Law and Society* 800) (**onlinelibrary.wiley.com/doi/full/10.1111/jols.12393**); but in brief these ways include approaches that focus on experiences but do not involve naming, approaches involving 'a name that is open to all who will benefit from it', and approaches that start with self-identification and supplement these with other methods of assessment (in order, for instance, to demonstrate the relevance of a category membership).

The point about positive action was picked up by Professor Phillips, who commented on the way in which in which the challenge presented by positive action strategies (which rely on the binary distinction) is one of 'organising through categories [as women, for example] while at the same time refusing the binary logic that seems to freeze us into a gender order that we actually want to challenge'. 'How does one do these things together?', Professor Phillips asked, referring to Professor Joan Scott's account of this as 'the constitutive paradox of feminism' – the paradox being 'that feminists are organising for a world in which we are no longer defined by sex difference, but we end up organising precisely through that sex difference in order to challenge what's wrong with the current world'. On Professor

Phillips's analysis, the question of how we find a way to live with this paradox was one that emerged in this context as fundamental.

Also emerging as fundamental during this event was the question of the role of law, and specifically state law, in any process of reorganising categories of gender. Here, Professor Cooper introduced the concept of 'slow law', referring firstly to the change already underway in practice ('soft decertification', practised by public bodies), and secondly, to the approach that the concept itself offers in relation to controversial areas of research. In the case of decertification, for instance, slow law could offer a more thoughtful approach, and a way of seeing the issues that decertification would need to be tied to. '[A]pproaching decertification as slow law', Professor Cooper suggested, 'means seeing the difficulties it poses, the inequalities perhaps it might exacerbate as prompts, indicating what else needs to be done. So in this way we can see decertification almost as producing an agenda for action'. It could enable attention to process, with law becoming, in this context, 'a terrain of imagination, of design and of prototyping, where new ideas are represented legally, in a process that doesn't simply seek to introduce change but to prompt and stimulate new ways of thinking'.

A proposal of decertification could, in that sense, be more than a proposal; it could also be a 'critical lens and a political prompt'. This was law reform functioning as 'a prefigurative research method' (**criticallegalthinking.com/2023/03/03/prefigurative-law-reform-creating-a-new-research-methodology-of-radical-change/**), Professor Cooper explained, and it involved the seeing of decertification not simply as a 'desired outcome', but also as 'a means for prompting wider conversations about sex and gender categories in law' and a space in which these conversations could be had. 'Decertification is a form of abolition, but it's more than that', as Professor Cooper put it; 'it's also about what gets built in the process of stripping legal status away'. Considering the possibility of decertification prompts attention to the meaning of structures that decertification would challenge, as well as to the implications of dismantling those same structures. And that is what we all saw, I think, during this powerful and stimulating event: the degree to which thinking beyond the categories of legal sex and gender can be a means through which to think through those very same categories; the degree to which thinking through what a future without legal sex might look like is also a thinking through of what life with legal sex looks like and why.

*Note: for the full report and latest updates (including publications), see the project website (**futureoflegalgender.kcl.ac.uk**). In April 2023 Feminist Legal Studies published a special issue based on the research ('Decertifying Legal Sex – Prefigurative Law Reform and the Future of Legal Gender'), which is freely available at **link.springer.com/journal/10691/volumes-and-issues/31-1***

The culture of impunity plaguing the market for culture property

The market for cultural property is notoriously complacent towards illicitly sourced cultural property. PhD researcher Reem Abbass Moustafa examines the historical development of the market and the regulation protecting cultural property to consider whether these have enabled both licit and illicit trade.

Strolling across the Waterloo Bridge, heading into the heart of the bustling city, I always pause to take in the city's magnificent skyline; Big Ben, the Houses of Parliament, the London Eye, all iconic relics of the past and present.

My eyes usually snag on the Egyptian Obelisk dubbed 'Cleopatra's Needle' incongruously situated on the North Banks of the River Thames, guarded by two Sphinxes. The Sphinxes are arguably facing the wrong direction;

towards their charge, instead of away from it. Although part of the skyline, the obelisk is in fact older than the British capital, dating back 3500 years. It was carved from granite at the orders of Thutmose III, acclaimed conqueror, and prolific builder, around 1450 BC at a time when the most sophisticated tool was most likely a chisel. Other inscriptions were added about 200 years later by Ramses II, famous for building more monuments to commemorate his military victories than any other ruler. Later the obelisk was moved from the southern city of Heliopolis to Alexandria and set up in the Caesareum, a temple built by Cleopatra in honour of Mark Anthony or Julius Caesar in 12 BC.

Despite briefly noting its enthralling history, the obelisk pedestal at the base reads:

> “This obelisk prostate for centuries on the sands of Alexandria was presented to the British nation A.D. 1819 by Mohammed Ali Viceroy of Egypt. A worthy memorial of our distinguished countrymen Nelson and Abercromby.”

Cleopatra’s Needle, i.e. Thutmose III’s obelisk, had in fact been gifted by Muhammed Ali Pasha. Muhammed Ali was put into place as ruler of Egypt by the Ottoman Empire, to which Egypt had been annexed at the time. Muhammed Ali had little interest in Egypt’s patrimony other than the political leverage it offered him. The gifting occasion? Nelson and Abercromby, Commanders of the British Army, had successfully secured victory in battle over the French in Egypt, effectively replacing the French as foreign controlling entities. Therefore, technically, the obelisk (which the English spent outrageous sums of money to transport and for which they lost an unfortunate number of souls during its eventful voyage), was legitimately acquired. Arguably, however, was it Muhammed Ali’s to give away? Questioning the obelisk’s legitimate transfer of ownership might be futile today, but it remains relevant. The question which my research project seeks to examine is how the historical and often casual appropriation of cultural property, such as that of Thutmose III’s obelisk, represents alarming norms of the market for cultural property that persist until today.

The language placed on this pedestal expresses two enduring values of the market. The first value is the political appropriation of a vulnerable state’s cultural property as a colonial trophy, a practice that has historically fed an insatiable western market for exotic objects from lands far away. The second value is the narrative that justifies this behaviour: it suggests cultural property is better off with those who are better custodians. The pedestal states it was ‘*prostate for centuries on the sands of Alexandria*’. In other words, the Brits saved it from Egypt’s indifference. These statements that seem to support ‘conservation’ and ‘intervention’ are misapplied in this and many other cases. In this case, the result of this narrative is that the obelisk is misrepresented by the text on its pedestal and has been given the name ‘Cleopatra’s Needle’ that is historically inaccurate, likely because the western audience is more familiar with the name Cleopatra than Thutmose III. Its history is rewritten or lost. It is guarded by sphinxes that were installed facing the wrong direction. The Sphinxes should face outward, to protect the obelisk from harm. Here, they face inwards, as if to guard the obelisk from removal.

My research considers whether these alarmingly outdated notions of ‘conservation’ and ‘intervention’ have in fact survived and evolved into more politically correct and neutral terms such as ‘cultural internationalism’ and ‘cultural universalism’. More importantly, my research considers whether these values have influenced the legislation protecting cultural property from illicit trade.

Despite an abundance of regulatory efforts both domestic and international, there is an ongoing, and vast, illicit trade that is hugely enabled by a market that often does not care if an object was legitimately or illegitimately sourced. Whether displayed in public museums or offered for sale in auction houses, cultural property of questionable legitimacy is openly traded and displayed. This attitude suggests a ‘culture of impunity’ towards illicitly sourced cultural property in contradistinction to a ‘culture of accountability’ towards other categories of contraband objects. My research seeks to challenge and revisit the market norms in effect, and to examine whether and to what extent this ‘culture of impunity’ is in fact embedded in the law protecting cultural property. My research explores the origin of the culture of impunity and seeks to demonstrate that it has its roots in the historical development of the market and the political appropriation of objects such as Thutmose III’s obelisk. Rather than invoke questions of justice and morals, it is the market itself that influenced the law that evolved to facilitate both licit and illicit trade.

The problem is multifaceted with many excellent scholars in the field engaged in the dialogue. My aspiration is to contribute thought-provoking insights to the growing body of literature through delving into the historical development of the market to consider how priceless cultural objects of geographic significance became commodities that were monetised, bartered, and traded. Around two hundred years ago, Thutomose III’s obelisk was deemed more valuable as a gift to England than as an Egyptian historical monument, but can the transfer of the obelisk still be considered legitimate today? How

did international and domestic legislation allow for this causal appropriation? My intent is to examine the forces who benefited from and shaped the ensuing market and to critically analyse whether the same forces shaped the relevant international and domestic legislation targeting the protection of cultural property to enable both licit and illicit trade.

There is no better home for my research than LSE, the School offers the perfect progressive, inquisitive environment to ask difficult questions and to probe long surviving institutional values. No one knows the field of cultural heritage and property law better than my supervisors Tatiana Flessas and Luke McDonagh. Their guidance challenges my intellect and allows me to delve into intriguing depths with my research.

Updates: Public appointments/ public engagement (2023)

Jo Braithwaite

Joint winner of the Inner Temple Main Book Prize for *The Financial Courts: Adjudicating Disputes in Derivatives Markets* (Cambridge University Press).

Neil Duxbury

Joint winner of the Inner Temple Main Book Prize for *The Intricacies of Dicta and Dissent* (Cambridge University Press).

Pablo Ibáñez Colomo

Appointed to the Competition Appeal Tribunal panel as an Ordinary Member.

Susan Marks

Elected to Fellowship of the British Academy (July 2023).

Richard Martin

Runner up Inner Temple New Author category for *Policing Human Rights: Law, Narratives and Practice* (Oxford University Press).

His article 'When Police Kill in the Line of Duty' was cited with approval by the UK Supreme Court.

Luke McDonagh

Presented his research on intellectual property law and access to medicines at two UK Parliamentary briefing sessions at Westminster. (March 2023).

Niamh Moloney

Elected Honorary Member of Royal Irish Academy (May 2023).

Margot Salomon

Delivered keynote lecture at Amnesty International's Retreat (March 2023).

Siva Thambisetty

Expert adviser to Cuba, Chair of the G77 + China Group of countries Protecting the High Seas.

Jan Zglinski

Gave evidence to the Office for the Internal Market for its first annual and periodic reports (March 2023).

COMMUNITY

Hilary Mantel DBE RFSL, D Litt, novelist, short story writer, and critic, 1952-2022

The Law School was saddened by the death in September 2022 of one of our most distinguished alumnae, Dame Hilary Mantel. Professor Nicola Lacey reflects on the work and life of the writer.

Hilary Mantel spent her first undergraduate year studying law at LSE. She left after a year for personal reasons. She described her year at the School as 'one of the most vivid times in my life'. She wrote about it in her novel, *An Experiment in Love*, and in her memoir, *Giving up the Ghost*, in which she remembered her course as 'engrossing… taught by lawyers and academics of stature and reputation' (adding that '[t]he rattling, down-at-heel, overcrowded buildings pleased me better than any grassy quad or lancet window'!).

Dame Hilary completed her legal studies at Sheffield University. After working in a geriatric hospital, she spent five years in Botswana, followed by four years in Saudi Arabia (she returned to Britain in the mid-1980s). One of the most talented and imaginative English writers of her generation, she was a novelist of remarkable versatility – equally at home producing fictional historical narratives, contemporary novels and short stories – and an outstanding reviewer and essayist (she regularly wrote for *The London Review of Books*, *The New York Review of Books*, and *The Guardian*). Her early novels include *Eight Months on Ghazzah Street* (1988), set in Jeddah; *Fludd* (1989), set in a mill village in the north of England and winner of the Winifred Holtby Memorial Prize, the Cheltenham Prize, and the Southern Arts Literature Prize; *A Place of Greater Safety* (1992), an epic account of the events of the French revolution that won the *Sunday Express* Book of the Year award; *A Change of Climate* (1994), the story of a missionary couple whose lives are torn apart by the loss of their child; and *An Experiment in Love* (1995), about the events in the lives of three schoolfriends from the north of England who arrive at London University in 1970. Her other works include *The Giant, O'Brien* (1998), *Giving Up the Ghost: A Memoir* (2003) and *Learning to Talk: Short Stories* (2003).

Probably her best-known works comprise a trilogy: *Wolf Hall* (2009), *Bring up the Bodies* (2012), and *The Mirror and the Light* (2020). The first two books won the Man Booker Prize (she also won the Walter Scott Prize for the first book and the Costa Prize for the second); the third was shortlisted for the Booker Prize. The books deal with the life of Thomas Cromwell. Diana Athill compared *Wolf Hall* with what is arguably George Eliot's greatest creation, *Middlemarch*. Though Mantel disliked what she saw as Eliot's didacticism and aspired to write a very different form of novel – the view from the ground up rather than the top down – the comparison is in important ways apt. Mantel combined a playful wit, a mordant humour, a penetrating eye, and a luminous intelligence with an encompassing human sympathy which brings even her most astringent characters alive to us as thinking, feeling beings; moreover she combined intensely psychological characterisation with a panoptic vision

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of the social world in which her characters move. Remote in time as that world is from our own, and unsympathetic though many twentieth century writers have found him to be, Hilary Mantel's Cromwell is a man whose concerns and feelings are entirely legible to the modern reader. In reviewing *Bring up the Bodies* (which ends with the death of Anne Boleyn), Jane Maslin wrote in the *New York Times* that the book's 'ending will be no cliffhanger for anyone even remotely familiar with Henry VIII's trail of carnage. But … [t]he wonder of Ms. Mantel's retelling is that she makes these events fresh and terrifying all over again.' '*Bring Up the Bodies* might be a fiction,' Bettany Hughes commented in the *Daily Telegraph* in May 2012, 'but it is more transparent than those high-narrative histories which cherry-pick their evidence and then fill in factual gaps with educated imaginative leaps.' The books were adapted for both stage and television – adaptations in which Dame Hilary was closely involved, and which gave her reason to reflect on the way in which her approach to literary composition lent itself to the dramatic form. Many reviewers have commented on the almost cinematic quality of her books: I am sure I am not the only reader who felt that they were walking with Cromwell to the block at the conclusion of *The Mirror and the Light*.

The scholarly research which went into the writing of this trilogy and Mantel's earlier books was prodigious, and marked her out as one of the most intellectually formidable, as well as critically self-reflective, of contemporary writers. 'What I want to do is hold up a mirror to everything that's gone before, and also shed new light on it', Mantel said of her Cromwell trilogy on the occasion of her second Booker Prize. This is precisely what she managed to do. Perhaps more than any other modern writer, she prompted debate and reflection on the causes of our monarchic and constitutional arrangements. Her Cromwell novels concern complex, intelligent characters engaged in intricate power struggles, and have prompted many of her readers to draw analogies between the Tudor court and various modern instances of political and monarchical vulnerability. Mantel herself appeared to invite the drawing of such analogies when, in a 2013 British Museum lecture (subsequently published in the *London Review of Books*), she wrote about the treatment of the Duchess of Cambridge by the press – her point being that there remains today, as there has always been, a tendency to present royalty as simultaneously superhuman and less than human. While the lecture was not always accurately or even fairly reported, its reception – particularly the mass of public commentary that it prompted – very much highlighted the fact that Hilary Mantel's writings and opinions feature prominently in, and have significantly challenged and influenced, modern public thinking.

Hilary Mantel was one of the most distinguished of the LSE's former students. She leaves an extraordinary literary legacy – one produced in the face of a lifetime of debilitating illness, the experience of which she wrote about with great candour and eloquence. The affection which she had for the School was captured in the beautifully crafted lecture which she wrote and gave in the Law Department's public lecture series in November 2009 – just days after winning the Booker Prize. The School recognised her distinction with the award of an Honorary Doctorate in 2014. She is survived by her husband, Gerald McEwen, a geologist who later became her business manager, and who visited LSE with her on the occasions of both the lecture and the degree award.

COMMUNITY

Truth, justice, and democracy: the scenic route from corporate law to social entrepreneurship

Timothy Franklyn, Founder of the National School of Journalism and Public Discourse (NSoJ)

LSE has had a direct role in shaping the pluralism and socialism of modern India. I follow in the footsteps of a long line of LSE alumni who have been, and continue to be, committed to strengthening democratic values and institutions in India. The LLM degree at LSE set me up for an exciting career as an international capital markets lawyer at Jones Day, Allen & Overy, and DLA Piper. Experiences that gave me the skills, resources, and network to establish the NSoJ in Bengaluru, India.

Let me give you the backstory – a story that moves together with India's drift away from secular liberalism. A drift that for me begins with Graham Staines. Graham Staines was an Australia-born Christian missionary. He worked among tribal people in a remote part of India from 1982 onwards, where he and his family cared for those afflicted with leprosy. On the night of 22 January 1999, a group of religious fundamentalists set on fire the car in which Graham and his sons were asleep. Graham and his sons, ten-year-old Philip and seven-year-old Timothy, died that night. I remember reading the newspaper report of these murders as an 18-year-old. For the first time in my life, I felt like a minority in the land of my birth.

But this was no aberration. Three years later in 2002, communal violence claimed the lives of thousands in the state of Gujarat in India. I felt burdened to do something. So I convinced a group of my undergraduate law school classmates in India to take a two-day train trip to Gujarat. The plan was for us to provide legal aid to the victims for a few days. But we ended up staying much longer. The human tragedy and injustice of it all burdened us immensely.

This was a burden I continued to carry as I entered LSE the following year as an LLM student, even as I intended to embark on a career as a corporate lawyer. LSE was an early catalyst in discovering my purpose. I recall intense deliberations with Professor Francis Snyder on global distributive justice claims arising from regional economic integration. And I will never forget long hours of dialectics on democracy at Carr Saunders Hall with Renato Gomes, my teammate for the John H. Jackson WTO Moot Court (we won the world finals while representing LSE and England). I also remember the protests against the war in Iraq that bookmarked our time at LSE. These were conversations and experiences that shaped my pursuit of a higher calling and purpose. More about that later.

I have no doubt that the LLM degree from LSE helped me land my first role as a corporate lawyer, as an associate in the American law firm, Jones Day. I had the opportunity to represent bulge bracket investment banks, including Citibank and Merrill Lynch, on several significant initial public offerings and on foreign currency convertible bond offerings. I was then invited to join the corporate practice of Allen & Overy (A&O) in their Singapore office as an International Capital Markets associate. After working at A&O on equity and debt capital markets transactions in Asia and Australia, I seized on an opportunity to help build the capital markets capabilities in Asia of the global law firm, DLA Piper. Highlights of my years at DLA Piper, working in Singapore initially and then in Hong Kong, included representing the Republic of Indonesia on its Medium Term Note Programme, helping establish DLA Piper as the top ranked international law firm for capital markets transactions in India, and winning the Asia Pacific Rainmaker award for winning new business for the firm.

But as democracies around the world began a decade of retreat beginning in 2010, the need to do something about it stirred deeply within. At the time there was also another troubling development occurring within me that I was unaware of. I was 32 years old when I was diagnosed with colon cancer. I remember being a broken man sitting with my brother, then a medical trainee, letting this diagnosis sink in. The 5-year survival rate of people under the age of 35 with malignant colo-rectal tumors larger than 5 cm is statistically insignificant. My tumor was 8 cm. In moments like this, the soul cries out to God in desperation. At least it did for me. Verses of Biblical scripture spoke words of comfort and strength to endure this trial. To hope and to believe.

I am glad to report that 2022 marks ten years of being cancer free. These years of added time have made many things

possible – playing first division cricket in Hong Kong; forming an alternative rock band; and feeling the wonder and joy of seeing my children grow. But more importantly, this added time has made it possible to find a higher purpose.

2014 marked the emergence of 'New India' with a political climate that incubates hate speech and religious intolerance. I chose to return to India in 2015 to do my bit to raise the level of public discourse in India by training a generation of ethical journalists who understand their role as forerunners of justice. To inspire reporters to seek the truth and tell stories that unmask the beauty of India's plurality. The pursuit of that truth is the backstory of NSoJ.

Why would a corporate lawyer choose to establish a journalism school? As an international capital markets lawyer, my job was to ensure that companies (or countries) that sought to raise public funds provided the public (or private institutional investors) with the information required to make an informed investment decision. Information that meets an anti-fraud standard of not containing any material omission or misstatements that would mislead investors. And the law firms preparing these information memorandums would be accountable in the event of any such omissions or misstatements. The idea behind establishing a journalism school in India is to introduce a similar level of accountability to journalism, and improve public trust in media while also raising the quality of information available for the public to make informed electoral decisions. NSoJ's goal ultimately is to help the public make electoral decisions as interested taxpayers and citizens rather than as faithful ideologues.

The journey ahead is long and hard. But I am proud that in seven years, NSoJ has grown to be not just a leading journalism school in India, but also a platform for dialogue, peace, and free speech. Our alumni are daily making an outsized impact in the communities that they serve. NSoJ's work, impact, and mission have gained international recognition, including a mention by former U.S. President Barack Obama in his recent speech on 'Challenges to Democracy in the Digital Information Realm'. In 2022, we expanded our mission by establishing a law school, which will be a centre of excellence for legal education in India.

My personal journey of learning and impact continues in various capacities: as founder of NSoJ, as a corporate partner in the law firm Tatva Legal, as trustee of the General K.S. Thimayya Memorial Trust, as an Obama Foundation Scholar at Columbia University, as a BMW Foundation Responsible Leader, and by serving on the Institutional Review Board (Ethics Committee) of the Bangalore Baptist Hospital.

I would like to conclude by reiterating what I said to new law graduates in my speech at the LSE graduation ceremony in December 2022. Surround yourself with people who will share, challenge, and sharpen your purpose. The LSE community is your safe space – we may come from different countries and have different backstories, but I am convinced that we stand on common ground on the biggest issues of our time. There is work to be done by each of us. Important work that will require us to build coalitions of people and institutions for a higher purpose – to secure the future of our world.

COMMUNITY

‘The Wanderers Return’: the LSE Law School community moves into remodelled and expanded premises

The LSE Law School has always prided itself on the egalitarian, intellectual engagement between faculty, and between faculty and students. In some measure, this has been achieved over time despite constraints imposed by our built environment. Now though, the opening of a new remodelled home for the LSE Law School, running across three floors of the renovated New Academic Building (NAB) on Lincoln’s Inn Fields, sees the provision of a facility that is fit to accommodate our diverse, vibrant, and inclusive student communities, to provide spaces for intellectual and social engagement between all students, faculty, and staff, and to continue and deepen the bonds between all members of the law school family. It is a watershed moment for LSE Law, reflects Andrew Scott.

When, in 2008, the Department of Law moved into a renovated government building behind a *Beaux Arts* edifice on Lincoln's Inn Fields it allowed the growing faculty to be drawn together in one location. Previously, colleagues had been dispersed haphazardly across various lonely nooks and crannies in what was then an unsuitable array of ageing campus buildings. The new building, airy and light-filled with modern glass-walled offices, allowed staff now accommodated together readily to liaise in a manner that had been impossible theretofore.

What the first iteration of the Law School home in the NAB did not provide was space for the easy interaction between faculty and the student body, nor a conducive context for intellectual or social interplay among the student body. Coupled with an expanding cohort of faculty and professional staff, this was unconducive and unsustainable.

The reopening of the LSE Law School in 2023 has seen this shortcoming addressed: and how! Most prosaically, the expansion across three floors has afforded increased, fit-for purpose office space for a growing faculty and professional support team, and for visiting and adjunct professors. The doctoral student group has been provided with more permanent, secure and conducive workspace, and together with faculty now enjoy both meeting and common rooms that can host conversation, refreshment, or small-scale faculty seminars and meetings.

Simultaneously, the expansion and remodelling has freed space to accommodate student-focused functions and both faculty-student and student-student interaction. Alongside a new reception space, a flexible social venue is open to students and staff for both work-related interaction and post-teaching, informal relaxation, and discussion. Audio-visual facilities enhance the space, which can also be used for any but the largest of faculty events. There is also separate space on-site for quiet study and/or small-scale student meetings and events.

The current student cohort – and faculty – have been embracing the opportunities afforded by the new spaces, and the positive feedback on the student experience has been legion and effusive. A first recommendation rests on just how conducive students have found the space itself to be:

> "I love how bright and airy the common room is… it puts me in such a good mood to study, even on cold grey days!'; 'this space has quickly become a favourite... with free tea and coffee, and sofas to lounge on, we often come here to socialise between lectures and at lunch... although equally, it serves as a productive study space with multiple desks as well as a designated 'silent zone'; 'the LSE Law Common Room is modern, bright and lively – definitely my favourite study spot on campus!"

The new space has also facilitated a growing sense of community across year groups and programmes. As Sophia Dallimore, a first-year undergraduate student explains:

> "As law students from all years and programmes use this space, it has served as a meeting point for cross-year friendships and prompted group study sessions."

Third-year undergraduate student Jeanne Semple concurs:

> "Being surrounded by my peers is such a plus, both socially and academically."

While contemporary Praise Olawanle expands:

> "The common room has truly become the heart of the law school for me. It's more than just a place to study or grab a bite to eat – it's a space where I can connect with my fellow students and feel like a part of a community. Having a designated area where we can socialise, study, and relax all in one has been invaluable to me. I'm grateful and feel so lucky for the opportunity to be able to have used the space before I graduate from the LSE Law School."

The new space also affords the space for LSE Law to convey a more abstract sense of itself through the use of exhibition space. In a first instalment, this has presented the opportunity to reflect back upon our forebears as we move into a new phase in the life of the LSE Law School. The 'History on the Walls' exhibition comprises a number of displays of photo-portraits of prominent figures – former staff, students, and faculty – from the first century of the LSE Law School in disparate parts of the building, inviting students and faculty alike to seek to understand who has preceded them and – in some measure, through emulation – what options and potential for social impact await them.

Of course, a project of the magnitude of expanding and remodelling the physical conception of the LSE Law School requires detailed planning, negotiation, and logistical management. School Manager, Matt Rowley, has overseen the entire operation, conveying Law School requirements to the construction contractors and LSE management, negotiating tweaks in the design, and ensuring the smooth flow of business out of and into the new facility. Estates Officer, Mandy Tinnams, managed the decampment of faculty from the existing floors and oversaw their temporary housing elsewhere on the campus. She then facilitated and oversaw the travellers' return, and dealt assiduously with the myriad minor operational hiccoughs. The project was brokered, scoped, and overseen by successive Law School Deans

Niamh Moloney and David Kershaw. Each of these colleagues can be wholesomely proud of what they have delivered for the Law School community of today and the future.

The new home of the LSE Law School places it at the heart of the LSE campus, in one of the finest academic buildings in the UK. As well as LSE Law, the NAB houses the 400-seat Sheik Zayed Theatre and other Harvard-style theatres facilitating interactions between teachers and other speakers and larger student groups and all fully available to and exploited by the Law School, the beautiful Roof Terrace meeting rooms and event space with its stunning views across central London, the Law School's Moot Court Room and an array of technologically leading-edge teaching rooms, and function spaces and social venues such as Café 54 and the Shaw Vegan Café (named in honour of LSE founder, Nobel Laureate and Academy Award winner, and lifelong vegetarian, George Bernard Shaw). It is a home befitting a world-leading community of scholars, and a place you are welcome to visit and become part of.

Renaming NAB to CKK

The London School of Economics and Political Science (LSE) has announced that alumnus Mr Vincent Cheng (BSc Economics 1993) has made an unrestricted 8-figure commitment to LSE's permanent endowment through the Verdant Foundation. The funding will make a significant contribution towards securing the financial future of the School, supporting LSE's capacity to meet increasing demands on resources in the current challenging global financial climate.

In recognition of this extraordinary generosity and foresight, in June 2023, the New Academic Building in Lincoln's Inn Fields was renamed the Cheng Kin Ku Building, in honour of Mr Cheng's late father. Mr Cheng is a long-standing benefactor and advocate of the School and has provided generous philanthropic support over many years, including towards the redevelopment of the New Academic Building in 2006, and to establish a programme of PhD scholarships for students from Hong Kong and mainland China. He was previously a senior executive and director of New World Development (China) Ltd., Deutsche Securities Asia Ltd., and Ping An Insurance (Group) Company of China Ltd., among others. In the early 1990s, Vincent co-managed three direct investment funds with global institutional investors to build one of the largest real estate and infrastructure investment portfolios in China for New World Development Co. Ltd. He was also one of the early investors in Chinese financial institutions and global technology icons. In his youth, Vincent won a full undergraduate scholarship to study Monetary Economics at LSE. He is an Honorary Fellow of LSE, an Elizabeth Wordsworth Fellow of St Hugh's College, University of Oxford, and a council member of the Hong Kong Federation of Youth Groups.

COMMUNITY

Cumberland Lodge

Visits to Cumberland Lodge have become a staple in the calendar of both students and staff at LSE Law School. Chief Executive Dr Edmund Newell explains what makes the Lodge a unique place for reflection, socialising, and learning.

Twice a year, a pair of coaches leaves Lincoln's Inn Fields on a Friday afternoon to take 90 or so students and staff from the Law School for a study retreat at Cumberland Lodge. It's hard to imagine a greater contrast in learning environments between the bustle of a central London university campus and the tranquility of a former royal residence in the heart of Windsor Great Park. The contrast, though, is deliberate. For about 48 hours, groups at Cumberland Lodge spend time together in a way that is simply not possible at LSE – or indeed the other London universities that have been coming to Cumberland Lodge since an educational foundation was established there in 1947.

A typical weekend at Cumberland Lodge begins with the wow factor of driving through the Great Park and arriving at a house that looks like the film set for a period drama – which it occasionally is, most notably for the multiple Oscar-winning film *The King's Speech*. Yet, despite the grandeur, the Lodge has a warm and relaxing atmosphere, and from the start of a retreat there is often an excited buzz as people explore their weekend home and realise that a unique experience is about to begin.

Over the decades, a format for the retreats has evolved that works well. After an introductory session on Friday evening, the serious business of getting to know one another begins over dinner. Eating together in the beautiful wood-panelled

Photo kindly supplied by Jack Verduyn

A cohort of students on a programme retreat at Cumberland Lodge in 1958, relaxing outside the Tapestry Hall doors. Photo kindly supplied by Sandra Ord.

dining room quickly becomes a key feature of the weekend, and not only because the food is so good. With students and staff eating together at six meals during the weekend, there are plenty of opportunities to have conversations and build relationships that hopefully will continue back at the Law School. The informality is reinforced by opportunities for walks or runs in the park, parties, and quizzes in the social space in the basement, or chilling out in the bar and the beautiful grounds.

As well as enabling participants to spend time together, the retreats provide opportunities for them to explore topics outside their course curriculum. The theme of the retreat last March, for example, was 'Four Global Challenges and the Law', and sessions included 'The future of the legal profession: challenges and opportunities', 'Council at War: Russia, Ukraine and the UN Security Council', and 'Reparation of cultural treasures: pro or con?' Discussing such issues is part of the *raison d'être* of the educational foundation that runs Cumberland Lodge, which was established to promote discussions among students on pressing societal and ethical issues.

While, for some, a retreat at Cumberland Lodge will be a one-off experience, for others it can be the first of several or many visits, particularly for those studying law. Since the 1960s, when the former Master of the Rolls, Lord Denning, was deeply involved in running the educational foundation, all the Inns of Court have brought groups to Cumberland Lodge for advocacy training. This means that a high proportion of barristers in England and Wales will, at some stage of their career, have been to the Lodge to practice being in a courtroom, often with the help of some the most senior members of the legal profession. On one memorable occasion, the mock court case was *Regina v Goldilocks*, and the trainee counsel was somewhat taken aback when Regina herself came into the room to watch proceedings!

Her Late Majesty the Queen made many visits to the Lodge, particularly in her role as our patron, a position which she held from 2003 until her death last year. The foundation's royal patronage began in 1947 when King George VI and Queen Elizabeth (later the Queen Mother) lent their support to the establishment of the foundation and granted us the use of our beautiful home. We have an open invitation for groups to attend services at the nearby Royal Chapel of All Saints on Sunday mornings, and generations of students have walked through woodland to the chapel and after the service had the opportunity to meet either the Queen or Queen Mother.

Our legal connections were also evident last year when we organised a Moot in memory of our former Visitor, Sir John Laws, a former Lord Justice of Appeal. Given the Lodge's ethos of supporting the intellectual development of young people, it was appropriate that sixth-form students from the legal social mobility charity Big Voice London should act as junior counsel to two of the country's leading barristers, Kirsty Brimelow and Simon Myerson, in an appeal hearing for Billy Goat Gruff 1, following his conviction for murdering Mr Troll. The students had to present to a panel of three judges, the Rt Hon Sir David Bean, HHJ Anuja Dhir, and the Rt Hon Lady Justice Whipple – a formidable prospect even for the most experienced senior counsel.

Cumberland Lodge is something of a well-kept secret. It is rarely in the public eye, but nevertheless plays an important role in national life by bringing people together for study retreats, legal training, or the conferences and programmes the educational foundation convenes on important topics – and always with a focus on involving young people. Those of us who have the privilege of running Cumberland Lodge hope that the visits will be remembered as transformational. As the coaches arrive back at Lincoln's Inn Fields, it is our sincere hope that those who alight will take with them new ideas, new relationships, and memories of discussions and conversations that will have a significant impact not only on their immediate studies, but on their future careers as well.

COMMUNITY

Staff Updates

Department Leadership

Professor David Kershaw

David Kershaw will be continuing as Dean until the end of the 2024/25 academic year.

New Starters

Academic

Dr Roxana Willis and Dr Oliver Hailes joined us as Assistant Professors.

Hannah Gibbs and Dr Ayse Gizem Yasar joined as Assistant Professorial Lecturers. Dr Sonya Onwu is now also an Assistant Professorial Lecturer.

Professor Susanna Baer will join as Centennial Professor.

Dr Nafay Choudhury – British Academy Postdoctoral Research Fellow.

Dr Alexandra Evans – LSE Fellow.

Dr Suren Gomtsyan – Assistant Professor.

Dr Alperen Gözlügöl – Assistant Professor.

Ms Lora Izvorova – LSE Fellow.

Professor Tarun Khaitan – Professor (Chair) of Public Law.

Dr Giulia Leonelli – Assistant Professor.

Dr Szymon Osmola – LSE Fellow.

Dr Marie Petersmann – Assistant Professorial Research Fellow.

PSS

Megan Bennett joined as Postgraduate Service Delivery Manager.

Olivia Boddy joined as LLB Administrator.

Rebecca Wisbey joined as Law School Co-ordinator.

Leavers

Dr Joshua Pike and Dr Luminita Olteanu will be leaving to take up Assistant Professor jobs at Warwick.

Dr Yusra Suedi, Dr Giulia Gentile, and Dr Maame Mensa-Bonsu have finished their fellowships at LSE.

Rachel West has left LSE to take up a post at the University of London as Global MBA Programme Manager.

Promotions

Laura Carseldine was promoted to Head of Programmes.

Stephen Humphreys was promoted to full Professor.

Martin Husovec was promoted to Associate Professor.

Alexandra Klegg was promoted to Head of Events, Communications and Creative Projects.

The Law School Away Day

The subtext: a personal insight into the making of public international law

In March 2023, the High Seas Treaty was agreed on. It sets out agreement on biodiversity beyond national jurisdiction, and Dr Siva Thambisetty was involved in its negotiation and in setting out the text relating to the management of marine genetic resources. In this piece, Dr Thambisetty reflects on her experience as an expert adviser to Cuba and Chair of the G77 plus China group of countries.

The lead negotiator of a large block of developing countries was walking around and asking everyone for chewing gum in Conference room 6. At the centre of this oblong room was a circular table like an orbit, around which sat State Party negotiators. The outer ring with our backs to the wall was occupied by people like me – experts, advisors, and other negotiators more peripheral to what was going on. We had all been stuck in this overheated room, awash with fluorescent lighting for over 30 hours straight. At this stage of close quarter whisperings and huddles, personal hygiene, food, and a hot drink was beginning to feel like a distant memory. Things would get worse in the coming hours – nervous laughter, sobbing, and controlled rage would all play out in different pockets at different times. But despite not having a single stick of gum between us, in a major diplomatic achievement, we were able to agree the text of a new Treaty on Biodiversity Beyond National Jurisdiction (BBNJ).

My role as expert to the Chair of the G77 plus China group of countries evolved over five years and four previous intergovernmental conferences at the UN HQ in New York City, culminating in two intense weeks over Feb 20th to March 5th 2023. I was there as an expert on marine genetic resources, the subject of Part 2, one of four parts of the new Treaty which had been in the making for close to 20 years. The area covered by the Treaty, also called the 'high seas' comes under no State Party's jurisdiction and is potentially a rich source of undiscovered genetic resources. However, access and capacity to exploit these resources through marine scientific research is limited to a handful of wealthy countries even in areas proximate to biodiverse-rich developing countries. The Treaty promises measures like capacity building and technology transfer as well as the equitable sharing of monetary benefits that might accrue from the creation of new biotechnological or pharmaceutical products from these resources.

A team of three with me as lead author crafted textual proposals that formed the basis of a consensus position that the G77 Group plus China, a coalition of 134 developing countries, was able to take into the final round of intergovernmental negotiations. Consensus on marine genetic resources was a significant achievement because it saved precious negotiating time. The disagreements with developed countries were neater and more precise, paving the way for compromise and agreement on one of the most fractious aspects of the Treaty. It is possible to trace several textual elements from our proposals in the text of the new Treaty – in many ways the holy grail of scholarship-led impact. I describe two such elements here.

The single most fractious issue in the use and circulation of biodiversity over the last three decades is the provenance of physical genetic resources; and the loss of even limited evidence on source and origin when physical resources are converted to informational form. To ensure that this does not remain a festering issue in the BBNJ Treaty we had to find an acceptable way to 'tag' biodiversity beyond national jurisdiction, without which there could be no mandatory sharing of benefits. Resistance came from developed country State Parties' calling themselves

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the 'Like Minded Group' (LMG) who were concerned that it was not technically feasible, would lead to undue regulatory burdens on scientists and cause unacceptable levels of interference in private interests represented by intellectual property rights and commercially sensitive information. However, coherent governance over these resources requires that appropriation – whether physical or through intellectual property rights – be registered, so that the consequences that flow from such appropriation can be built into Treaty mechanisms. This was non-negotiable for developing countries.

The solution is a machine and human readable 'batch identifier' which collectively assigns a unique identifier to all the samples and sequence information collected from areas beyond national jurisdiction (ABNJ). This solution, the technical aspects of which were formulated by Paul Oldham, founder of One World Analytics and an LSE Anthropology PhD holder, is internal to information-based systems and could therefore be woven into existing scientific and technical protocols giving legal certainty to scientists and private entities. Before and during the negotiations we connected with experts from the LMG to stress-test the strength of the proposal. Dr Oldham even had a prototype of the Identifier built that was presented to small groups of the G 77 plus China negotiators, which made a discussion of text-based proposals much more realistic. Armed with this input from us, developing country negotiators knew that there was no legitimate reason to thwart the inclusion of the Identifier in Treaty language. It now sits in Article 12 as the 'BBNJ Standardised Batch Identifier', the first such tracking mechanism in international Treaty language. It enables the reporting of material outcomes that result from the use of marine genetic resources like patents, publications, and products. In this respect, it is a significant improvement on the Convention on Biological Diversity.

The second, which I am particularly pleased to see is also the most experimental of the text proposals from the G77 plus China. It is a new approach to accounting applied to the value of biodiversity use to State Parties and their entities, and facilitates the fair and equitable sharing of monetary benefits in appropriate Treaty language. This system avoids the political pressure point of tracking individual molecules and products, opting instead for aggregate levels of use of biodiversity measured by suitable indicators. If this approach unfolds as was intended, it would in effect put the age of 'free biodiversity' behind us. Treaty language outcome was much more limited in this respect and Article 14 retains reference to 'tiered fees' – the measurement of which will come down to Treaty bodies set up after entry into force.

The line between expert advisory roles and scholarship is a somewhat vexed one, even as some elements of public international law get increasingly technical and inter-disciplinary; as is the limited role of any kind of expertise in the context of geopolitics. The power of process, where form takes over substance through agenda-setting and skewed resources can unfairly tip the balance in negotiations. My scholarship on the use and circulation of genetic resources is a niche subject with limited pockets of expertise. I learnt that the relative value of knowledge is not as critical as the *positioning* of that knowledge, as is communicating in ways that allows others to take ownership of ideas. But most of all I am struck by the higher-order skills shown by lead negotiators and the central, yet largely invisible role they and their advisors play in international law-making. That I could briefly join their ranks was a surprisingly fulfilling experience.

> My involvement was made possible by a KEI grant from LSE to cover expenses since 2019, without which none of my in-person involvement would have been possible. The text proposals were confidential and an internal document to the G77 plus China Group. An LSE Law and Policy Brief explaining the background to the proposals, is available here: **papers.ssrn.com/sol3/papers.cfm?abstract_id=4343130** and the technical explanation of the batch identifier is here: **zenodo.org/record/7573700#.ZE9vmOzMKz0**

You can find out more about Dr Siva Thambisetty's experience in this LSE Research piece on 'Protecting the high seas' here: lse.ac.uk/research/research-for-the-world/sustainability/protecting-the-high-seas. Dr Thambisetty has also produced a video about the Treaty available here: youtube.com/watch?v=i0o9UvhJA-M

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ENVIRONMENT

Revitalising the FTSE

There are signs that the global appeal of the UK's capital markets and their flagship product, the Financial Times Stock Exchange (FTSE) Index, has declined over the past few years. LSE Law School Dean Professor David Kershaw invited some of the most prominent academics, lawyers, and actors from the world of financial services to discuss what could be done about this.

London is home to one of the world's largest and most important capital markets. Financial services are one of the UK's most important engines of growth, and one of its major exports. Naturally, we would expect a leading capital market to have one of the world's most important equity capital markets. Today, however, there is increasing concern about the state of the UK's equity markets. Is London an attractive venue for young companies to make their first offering of equity securities (an IPO)? Are the companies listed on the London Stock Exchange (the other LSE!) some of the most recognised, leading, global companies of our times? Are UK listed companies the companies we view as beacons of innovation and value creation? Increasingly, the evidence suggests that the answer to all these questions is 'no'.

The number of IPOs in the UK has declined dramatically in recent years. London had 10% of global IPOs in 2006 but only 5% in 2018, and we have seen further notable declines through to 2023. Indeed, several high-profile UK companies, such as ARM, have recently turned their back on London's capital markets, deciding to IPO across the pond in the United States. It seems that no amount of reported pressure from the UK government could change its mind. Moreover, the companies populating the London Stock Exchange's Main Market are mostly, from an investment perspective, dividend – not growth – focused companies. Innovative and growth focused UK tech companies, such as ARM for example, which grow to become major global companies are vanishingly rare, even though the UK's start-up tech sector is exceptionally vibrant and creative. Importantly, these trends all appear to have been embedded prior to the UK's exit from the European Union.

These developments are of real concern to London's capital markets, and also of real concern to the UK's economy. What then should, and can, be done about it? To address these questions and to explore possible solutions, LSE Law School convened an afternoon seminar in the Autumn Term 2022 to address 'Revitalising the FTSE'. The seminar brought together leaders from the investment, policy, regulatory, academic, and legal communities. The event addressed these questions first from the investment perspective and then from the regulatory perspective. The first Panel considered the investment perspective. The Panel included Bronwyn Curtis OBE (Chair, JP Morgan Asia), Tim Frost (Founder, Cairn Capital), Sir Paul Marshall (Founder, Marshall Wace), and Professor David Webb (LSE Finance), and was chaired by Professor Julia Black (LSE Law). Some of the panellists asked whether there is really such a significant problem. Clearly the number of new companies joining the LSE's equity markets, as well as the weak trading volumes in existing shares, were markers of concern, but do these markers merely reflect an ongoing overweighting of the importance of public markets, when perhaps the most important business story of the past two decades is the growth of private equity and private companies. If one moves the spotlight to vibrant private markets, then the lens of decline is arguably inappropriate and unhelpful. Others, however, were less sanguine. Yes, private markets were much more important, and perhaps have explanatory power in explaining the reduced attractiveness of UK public markets, but for these panel members a key component of a healthy financial system which allows companies to grow and prosper is a liquid and attractive equity capital market. For these participants, it was vital that we continue to explore why UK equity capital markets appear to be in decline.

The second panel focused on the possible regulatory contribution to the decline on the FTSE, and the scope for regulatory reform to revitalise the FTSE. This Panel's members were Mark Austin (Partner, Freshfields), Dr Bobby Reddy (Cambridge Law), Dean David Kershaw (LSE Law), and Professor Niamh Moloney (LSE Law). The Panel was chaired by LSE's President Baroness Minouche Shafik. The Panel focused on whether the regulatory burden imposed on listing companies plays a central role in making other capital markets more attractive, or whether it is other market – and societal – cultural factors which have more explanatory power. One candidate which was mooted in this latter regard was a possible market and societal aversion to executive pay levels which approximate those of US listed companies. Some commentators observed that if executives can be paid more in the United States, whilst attracting less public opprobrium for their pay packets, then why would they choose to list in the UK?

On the regulatory front, panellists discussed the limitations of recent Financial Conduct Authority (FCA) reforms on dual-class shares, and discussed the FCA's 2022 Discussion Paper on reform of the listing rules. For some of the Panel members these reforms did not go far enough. They argued for greater choice and optionality for listed companies in relation to several areas of regulation, including the related party rules for Premium Listed companies, but also, beyond the listing rules, in relation to company law rules on pre-emption rights and the Takeover Code's non-frustration rule. Dean Kershaw argued, in particular, that although such reforms were difficult – because the UK has long been lauded as providing regulatory models for other countries to follow – it was essential to address real reform now and to give companies the option to opt-in or opt-out of these rules. However, he argued that in doing so it was important to explicitly acknowledge that such changes represent a move away from regulation whose primary focus is on holding directors and managers to account. He argued that we need to recognise that such accountability-light reforms may increase the probability of future (inevitable) scandals and crises, but that this was a necessary trade-off that the UK needed to make. Perhaps unsurprisingly, many participants were not in agreement!

The event was a huge success; a superb example of LSE Law convening leaders in regulatory, investment, legal, and academic circles to discuss one of the central issues of our financial times. It is noteworthy that the FCA's recent reform proposals announced in May 2023 go much further than its original 2022 Discussion Paper which was discussed at the seminar. These proposed changes include, for example, reform of the related party transaction rules, to remove a requirement for shareholder approval. Whilst the increasing business, political, and media concern about the state of the FTSE is surely the primary driver of these proposed new reforms, perhaps LSE Law's 'Revitalising the FTSE' played a notable role in these changes.

The past, present, and future of global economic governance

In Michaelmas Term, Dr Mona Paulsen convened an event with leading experts to assess economic globalisation against the crises of the Russian invasion of Ukraine, global warming, and the COVID-19 pandemic. Hosted by the LSE Law School, Dr Paulsen invited each speaker to reflect upon today's drivers of economic interests and the implications for the international legal order and international cooperation.

Dr Jamie Martin, assistant professor of history and social studies at Harvard University, spoke about global economic governance and the current moment of debt distress, rising interest rates, and bailout loans from the perspective of history as detailed in his new book, *The Meddlers: Sovereignty, Empire, and the Birth of Global Economic Governance* (HUP 2022). Martin observed that the correlation of major crises in today's global economy is clear evidence of the need for more effective and legitimate systems of global economic cooperation. While powerful bodies like the International Monetary Fund play central roles in providing financial assistance to many low- and middle-income countries, Martin argued that the institution has lost power, influence, and clout over the last twenty years. In large part, Martin asserted this is because of the stigma and political risks posed to member states by agreeing to the terms of IMF assistance, which tend to involve demands for austerity and painful reforms like cutting fuel and food subsidies at times of economic turmoil. For Martin, there is a common story about how the IMF developed its interventionist and controversial powers as it was harnessed for a US project of remaking the world after the Cold War for the sake of neoliberal globalisation. This story is often told as the IMF being dramatically transformed at the end of the twentieth century – as its lost original purpose after the collapse of the Bretton Woods System. But, as Martin argued in his book, this conception of the IMF as upholding a mid-century social democratic or embedded liberal compromise that was lost after the 1970 relies on an incomplete story about the origins of the institution and the development of its powers. Martin explained how there were deep continuities between 19th-century tools of informal financial empire and new institutions of international economic governance that first emerged in the interwar period and then at the end of the Second World War. As Martin concluded, he detailed how this history suggests that understanding how to achieve more effective and legitimate practices of global economic governance today necessitates rethinking much older lineages of empire, debt, and international cooperation in the modern era.

Professor Stephanie Rickard, professor of political science at LSE, spoke about governments' spending power and the importance of geography. Reflecting on her work, Rickard explained how domestic politics present a key challenge for globalisation in the future. Rickard described to the audience how domestic politics is shaped by economic geography. Inside countries' borders, economic activities, such as production and employment, occur unevenly across space. As a result, Rickard observed, international trade impacts parts of a country differently: some areas benefit from rising trade, while others experience reductions in local wages and employment due to increased import competition. Rickard argued that because regions' experience of globalisation varies, public opinion about trade differs across geographic areas within countries. Voters living in regions advantaged by trade are more likely to support economic openness. In contrast, voters living in regions negatively impacted by trade are more sceptical of the benefits of globalisation. Rickard showed that geographic disparities in public attitudes towards trade often align with salient political cleavages. As a result, Rickard concluded, debates over trade have become increasingly polarised in many countries. This may threaten states' continued economic openness as well as their engagement with, and even support for, the world trade regime.

Professor Abraham Newman, professor of government and the school of foreign service at Georgetown University concluded the opening statements. Newman spoke to the increasing merging of economic and security issues and the challenges that this presents for globalisation. Newman clarified that he hopes that the audience comes away with three key points.

First, the standard story about globalisation overemphasised how global economic networks decentralised power and sidelined geo-strategic interests. In many of the most important global markets from the Internet to finance to supply chains, Newman explained how economic activity is quite centralised around a few key firms. Second, governments (most importantly, the U.S. government) have woken up and begun to understand how these points of economic centralisation (something that Newman and his co-author Henry Farrell call 'choke points') can be used to pressure their adversaries. Third, as this game of weaponised interdependence progresses, there is a real risk that things could spiral out of control. Newman concluded that it is thus critical for the US, Europe, and China to devise a set of road rules to minimise overreactions or miscalculations that could upend the global economy.

Following opening remarks, Dr Paulsen led the group of experts into a less formal, open discussion on the roles of international law, considering the ongoing scrutiny of global economic integration and the reshaping of globalisation. The speakers discussed the 2022 Russian invasion of Ukraine, the multi-faceted Russian sanctions and the impacts on Ukraine, third parties, and the global economy. Each speaker reflected on rising concerns about economic interdependence, for many governments in the UK, the EU, the U.S., Australia, Japan, and others now prioritise ideas of resiliency, self-sufficiency, and security, changing their approaches to international economic relations. Audience members engaged with the group of experts, raising questions about the economic decoupling of China and the United States, the interface of economics and politics in the global market, economic warfare, industrial policies, and the potential survival of multilateral coordination.

ENVIRONMENT

The Secret Diary of a Lawyer: how to survive and thrive in a City law firm

Writing under a pen name, LSE alumna Belle de Jure has published a book on her experience working for a magic circle law firm in London. She shares some of her advice for getting and flourishing in the world of big law with our students.

I recall my first day at LSE. I had moved into accommodation at Bankside over the previous weekend and spent a week acclimatising to the bright city lights of London. As I approached the Old Building on Monday morning, the campus was buzzing with activity. I was filled with a mix of excitement, awe, pride, and trepidation.

As I walked past Wright's Bar and up the steps of the Old Building, little did I know that I was taking my first steps on a path that would lead me to work at one of the most prestigious law firms in London.

First year sailed by. And my friends and I were soon debating whether to take Intellectual Property or Medical law. Or Tax. Or Company law. Then, before I knew it, I was having to decide what comes after my life at LSE. I, like many others in my intake, decided to apply for training contracts. We aimed high – we could afford to with the LSE badge on our CVs.

I won't lie. The process was arduous. Multiple, long application forms asking the same questions in different words. Multiple firms to research and having to think up new reasons each time for why that was the *only* firm I could possibly see myself working at.

I found that training contract applications were a game of resilience. When the first few rejections landed in my inbox, I was truly disappointed. I could not understand what I had done wrong. I had the grades, I had a good story, I had done my research – what more did they want? The answer is that it's a bit of a game of luck. The market was inundated with young hopefuls like myself. All of us had good grades, good stories, and had put in the work. You just have to keep trying and not give up.

After a torturous few weeks of self-doubt seeping in, finally an acceptance phone call! You can only imagine how thrilled I was when I finally landed a training contract. Not only that, I landed it at a top law firm, a member of the so called 'Magic Circle'. What I did not fully appreciate and what nothing had prepared me for, was the day-to-day life as a lawyer. The difficult part was not over – it was just starting.

You are plunged into a world of over-achievers. It is exhilarating and frightening at the same time. My imagination ran wild at times: on deals with intellectual heavy weights with an ego to match, working late into the night, high on adrenaline (and coffee). You get the picture.

I decided to keep a diary at the time. It was an outlet for me. Somewhere, I could record intimate thoughts and feelings. Somewhere, I could be vulnerable. And finally, somewhere I could capture stories that amused me and I never wanted to forget. It was also a way for me to reflect on some of the situations and to learn from them.

So, based on my recollections, what are my top tips for young lawyers-to-be? I will give you my top five:

1. **Your first-year grades are really important**. Several of my friends made the mistake of taking their first year easy as it does not really count towards your final degree. However, remember that you will need to start applying for vacation schemes in your second year and training contracts early on in your third year – and you will only have your first and second-year results to entice firms!

2. **Try and get varied work experience**. I did summer vacation schemes in three firms: one small high street firm, one mid-sized firm and lastly one of the major players. You get a very different perspective at each and you build a very different skill set. I also did a stint at a law centre, which was eye opening in its own way. At the end of the day, law firms want to know that you have really researched what is available out there and you have a credible reason for deciding to apply to them.

3 **Do not sweat the small stuff**. If you go into the world of law hoping you never make a mistake then you are likely to be sorely disappointed. Everyone – yes, I really mean everyone, including the senior partners – make mistakes. There will, I guarantee it, come a time when you will mess up. When that happens, take ownership of the mistake, learn from it, and move on. Some mistakes will be bigger than others and some create more of a mess than others! But just rest assured that you are not the only one who has got something wrong. There can be an enormous amount of pressure to be perfect and I have seen that kind of pressure break young associates. Do not let that happen to you – mistakes are just a part of life. Even at the most elite of law firms.

4 **Set boundaries**. This is perhaps one of the most important tips I can give you. In the world of fast paced legal deals, home and work can blur into one. I think that is even more true in the post-Covid world of working from home. You will have to develop a work pattern that suits you personally and stick to it. Remember that different associates and partners that you work for will have their own patterns. Some are early risers, some are late sleepers. A big mistake I have seen trainees and young associates make is to think that you need to be available to everyone all the time.

   There will be times, for example when a transaction is close to being finalised, that you will be expected to work round the clock. However, these are the exception rather than the rule. And it is worth remembering that.

   At other times, you should decide what your work pattern is and stick to that. Set boundaries and manage expectations, e.g. switch off your phone in the evenings and over the weekend and turn off your laptop. You do not need to respond to everyone immediately. And believe me, no one will thank you if you end up burned out.

5 **Take a break**. Being a good lawyer does not entail self-deprivation. Lawyers are human beings too and we flourish when we are nourished, watered, and when we live in a pleasant and nurturing environment.

   The thing I really looked forward to when I was a trainee was lunch with others from my intake. It was a way I could get away from my desk, share ideas (and worries), and bond. Sacrificing lunch may help you get a document out an hour early, another diet coke may help you meet the target deadline of 4p.m. However, in a world where demands are ever increasing, no one will look out for you if you do not look out for yourself. So, make sure you carve out time to take a break during the day and do something you enjoy. You will be happier and your work will be better for it!

At the end of the day, being a good lawyer is not about being perfect or being a machine. The best lawyers I have come across are those who have perspective, take problems in their stride, and do not take themselves too seriously. Problems will come and go, but how you handle them will have an impact on you and, perhaps more importantly as you get more senior, others you work with. So do not panic, be nice, and try to see the big picture. No doubt someone will have had to deal with a similar issue before.

And just remember – we are all only human!

For more advice, see the book *The Secret Diary of a Lawyer* by Belle De Jure.

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