

2012-13 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

37 Kent Law School

LW315		Introduction to Obligations				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	C	15 (7.5)	100% Coursework	Devine Dr K

Contact Hours

16 hours of lectures: 9 hours of seminars: 4 hours of case classes (approximately)

Pre-requisites

Co-requisite - This module is to be taken with LW316 Foundations of Property and is a pre-requisite for LW597 Law of Obligations. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Available only to Law students. Not available to students who have taken LW304 Obligations 1.

Method of Assessment

100% coursework consisting of an essay worth 30%, a case note and problem question worth 60% and participation made up of attendance, oral participation and a weekly wiki, worth 10%.

Synopsis

This module introduces the law of obligations, which comprises the private law of duties and rights to which individuals and organisations are subject. Traditionally, it includes the law of contract and tort (but not property). As well as introducing some of the content (which is covered more extensively in The Law of Obligations), a key focus is on the institution of the common law through which most of the law of obligations has emerged. This aspect is especially explored through the case classes, which run alongside the lectures and seminars.

Learning Outcomes

- to have the ability to use case-law, to predict the legal outcome of problem situations in at least one area of contract law and one area of tort
- to have an understanding of the nature of private law, its main subdivisions and its development
- to have an understanding of the distinctive nature of case law and of common law

Preliminary Reading

J N Adams & R Brownsword Understanding Contract Law (Sweet & Maxwell 5th ed, 2007)

J Conaghan and W Mansell The Wrongs of Tort (Pluto 2nd ed, 1999)

C Harlowe Understanding Tort Law (Sweet and Maxwell 3rd ed, 2005)

A Weir An Introduction to Tort Law (2nd ed Oxford University Press, 2006)

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LW316 Foundations of Property

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	C	15 (7.5)	50% Coursework, 50% Exam	Bottomley Ms A

Contact Hours

10 hours of lectures, 10 hours of seminars, 10 hours of case classes (approximately)

Pre-requisites

Co-requisite - This module is to be taken with LW315 Introduction to Obligations. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Only available to Law students. Not available to students who have taken LW304 Obligations I.

Method of Assessment

50% coursework (consisting of one essay); 50% written examination

Synopsis

'Property' is something we tend to presume we know about, and rarely examine as an idea or practice closely. Most often we use it to connote an object or 'thing', and presume that it has something to do with 'ownership' of that object. It is so simple to say 'my property' or 'this is mine'. This module begins to unpack and examine the ideas and practices of property more closely: How are property claims constructed? What do we mean by 'ownership'? What happens when a number of competing 'ownership claims' in one object exist? When preparing for the module it will be useful to think about (and collect material on) current debates over contested ownership (or use) of property and resources: art collections or cultural artefacts, land or natural resources dispossessed, land squatted, etc. And why, in our jurisdiction in particular, has such a strong link been made between being a 'property owner' (in this context a 'home-owner') and a 'good citizen'.

Learning Outcomes

- to distinguish between the common law subjects and property law and, in particular, to develop an understanding of the role of equity and trusts in the development of property law.
- to identify property issues, and be able to critically examine the terms within which these issues have been set; to begin to use the tools and language employed in property law.
- to develop the skills required for reading and evaluating case material, especially a critical understanding of the building of argumentation as it defines the contours and trajectory of a judgement.
- to identify, evaluate and critique the foundational components carried within the idea of 'property'.

Preliminary Reading

Preliminary Viewing - Its a Wonderful Life, 1946, Dir F.Copra

Preliminary Viewing - The Truman Show, 1998, Dir P Wier

Preliminary Viewing - District 13, 2004, Dir P Morel

Preliminary Viewing - La Terre Parle Arabe, 2007, Dir M. Gargour

Preliminary Viewing - The Inner Tour, 2002, Dir R. Alexandowicz

Preliminary Viewing - All That Remains, 2005, Dir Nada El-Yassir

N Blomley Unsettling the City, 2004, London: Taylor and Francis.

M Davies Property: Meanings, Histories, Theories, 2007, London: Glasshouse.

C Dickens Bleak House

H Lim and A Bottomley (eds) Feminist Perspectives on Land Law, 2007, London: Glasshouse.

C Rose Property and Persuasion: Essays on the History, Theory and Rhetoric of Ownership, 1994, Bolder, California: Westview Press.

T Murphy et al Understanding Property Law, 2004, London: Sweet and Maxwell.

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LW505		The Family and the Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Hunter Prof R

Contact Hours

1 one hour introductory lecture, the remainder will be large group sessions of 2 hours (combined lecture, seminars) There will be approximately 20 of these sessions.

Availability

Please note that for short term students, this module is only available to those who will be studying at Kent for a year and are able to sit the exam in the summer term. It is not available for students coming to Kent for one term only.

Method of Assessment

80% written examination; 20% coursework (2 essays).

Synopsis

This module focuses on the way law defines, constructs and regulates the family and familial relations. Autumn term deals broadly with the institution of marriage and relations between partners, including definitions of the family, marriage, civil partnerships and cohabitation, domestic violence, divorce and family dispute resolution. Spring term deals with the relationship between parents, children and the state, including reproductive technology, parenthood, children's rights, private law disputes over post-separation arrangements for children, child support, and public law provisions for the care, supervision and adoption of children

Learning Outcomes

- to demonstrate understanding of the concepts, principles, policies, issues, debates and legal doctrines that apply in various areas of family law.
- to identify the ideological and policy underpinnings of family law and to evaluate the efficacy of its rules and principles as well as their social, economic and political consequences
- to critically analyse family law, both in oral discussion and in written assignments
- to demonstrate advanced skills in thinking about, discussing and applying the law, in considering conflicting decisions and viewpoints, in presenting ideas orally and in writing, and in turning observations, opinions and ideas into persuasive arguments

Preliminary Reading

A Diduck Law's Families (Butterworth, 2003)

G Douglas An Introduction to Family Law (OUP 2nd ed, 2004)

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LW506	International Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Messineo Mr F

Contact Hours

40 hours: 20 hours lecture/film/guest speakers and 20 hours seminars (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to students coming to Kent for one term.

Method of Assessment

80% written examination and 20% coursework (consisting of 1 essay plan and 1 essay). optional 45% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle for details.

Synopsis

The module will: (a) provide a basic but substantial understanding of the rules and procedure of international law;(b) provide a critique of the relationship between political power and international law; (c) provide an understanding of the possibilities and limitations of international law in dispute avoidance and resolution; and (d) consider the application of the above to contemporary international problems

Learning Outcomes

- to appreciate the possibilities and limitations of international law in international dispute resolution;
- to be able to predict the relevance or otherwise of international law to particular disputes;
- to be able to formulate arguments in international law directed towards particular outcomes;
- to be able to critically evaluate the role of international law in particular disputes;
- to be aware of the arguments about the Eurocentric nature of international law;
- to be able to evaluate the relationship between international law and social, political and economic reality.

Preliminary Reading

There is no prescribed preliminary reading but the following may be of interest to those who wish to undertake some pre-reading.

A Kaczorowska - Public International Law (4th ed. Routledge, 2010)

I Brownlie - Principles of Public International Law (7th ed. OUP, 2008)

A Cassese - International Law (2nd ed. OUP, 2004)

P Daillier et al - Droit International Public (8th ed. LGDJ, 2009)

R Higgins - Problems and Process: International Law and How We Use It (OUP, 1994)

M Koskenniemi - The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960 (CUP, 2002)

M Koskenniemi - From Apology to Utopia: the structure of International Legal Argument (reissue with an epilogue, CUP, 2005)

W Mansell - International Law: a Critical Introduction (Hart, 2012)

M Dixon - Textbook on International Law (7th ed. OUP, 2012)

V Lowe - International Law (OUP, 2007)

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LW509		Human Rights and English Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Fitzpatrick Mr J

Contact Hours

2 hours weekly (1 lecture and 1 seminar) for 20 weeks

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to students studying at Kent for one term.

Method of Assessment

80% written examination and 20% coursework consisting of 2 essays both worth 10%.

There is an optional dissertation element with 1 essay worth 10%, 40% dissertation and 40% examination. Contact Kent Law School Undergraduate Office, or access Moodle for details.

Synopsis

This module seeks to provide a sound knowledge and understanding of the concepts and principles underlying the law relating to human rights, including a grounding in the historical development and political philosophy of human rights law; to provide a detailed grasp of the current protection of human rights in English law, with particular reference to the Human Rights Act 1998 and European Convention on Human Rights; and to promote a critical discussion about the nature, function and effects of human rights as they are, or might be, expressed in English law.

Learning Outcomes

- a sound knowledge of human rights law currently applicable in England
- a sound knowledge of the jurisprudence of the European Court of Human Rights
- the ability to reflect critically upon and to evaluate the operation of human rights law
- the ability to deploy and elucidate relevant information and abstract concepts in reasoned arguments about issues arising in relation to human rights law
- a sound understanding of the concepts and principles underlying human rights law, and their basic historical development
- improved legal research skills

Preliminary Reading

JG Riddall *Jurisprudence* (Butterworths, 2nd edn, 1999)

The Levellers *The Putney Debates* (Geoffrey Robertson, introduction) (Verso, 2007)

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LW510 Legal Aspects of Contemporary International Problems						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	100% Project	

Contact Hours

2 weekly contact hours approximately.

Pre-requisites

Prerequisite/co-requisite - Available only to students who have taken /are taking LW506 International Law

Availability

Not available 2012/13.

Synopsis

The module provides an opportunity for original research in a topic with international law significance. The objective is to write a piece of work that is as nearly as possible of publishable quality. In essence this is a module in legal writing and research. Nevertheless most topics chosen will be more than simply legal problems and will have historical, social and political aspects that will require critical exploration. While each student will work as an individual, cooperation in research and research methods will be encouraged and will all be expected to be interested in the work of others. The module will be characterised by cooperative endeavour towards individual progress

Learning Outcomes

- an ability not only to grasp basic principles and concepts of public international law but also effectively to use them in relation to specific international problems;
- an ability critically to analyze contemporary issues of global concern through the yardstick of international law;
- an ability to appraise the process of international law formation and implementation in a critical manner that goes beyond the mere black-letter approach;
- an ability to synthesize case-law, theories and varying arguments in a coherent manner;
- an ability to carry out independent research in various areas of international law; and
- both oral and written skills competent enough to allow students to formulate legal arguments in a cogent manner;

Preliminary Reading

L Blaxter et al How to Research (Open University Press, 2001)

A Cassese International Law (OUP, 2005)

M Shaw International Law (6th ed, Cambridge 2008)

H Charlesworth & C Chinkin The Boundaries of International Law: A Feminist Analysis (Manchester UP, 2000)

L Fasulo Insiders Guide to the UN (Yale University Press, 2003)

G Goodwin-Gill and S Talmon The Reality of International Law (Oxford, 1999)

I Brownlie Basic Principles of International Law (Oxford University Press 7th Ed 2008)

B Rajagopal International Law from Below: Development, Social Movements and Third World Resistance (CUP, 2003)

G Simpson The Nature of International Law (Ashgate, 2001)

M Weller The Future of International Law (Themes for the 21st Century), (Polity Press, 2004)

D Buss and A Manji International Law Modern Feminist Approaches (Hart, 2005)

M Evans (ed.), International Law (3rd ed Oxford, 2010)

G Simpson Great Powers and Outlaw States: Unequal Sovereigns in the International Legal Order (CUP 2004)

A Anghie Imperialism, Sovereignty and the Making of International Law (CUP 2004)

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LW513		Equity and Trusts				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Bottomley Ms A

Contact Hours

Lectures 40 hours; Seminars 20 hours (approximately) The convenor for the Equity section is Maria Drakopoulou and for the Trusts section it is Anne Bottomley.

Pre-requisites

Prerequisite/co-requisite LW501 Property Law

Restrictions

Only available to LAW students. Not available to students who have taken or are taking LW316 Foundations of Property or LW598 Equity and Trusts.

Availability

This module may not be available after 2011/12.

Synopsis

This module is normally taken in Stage 3 and is designed not only to introduce the central principles and doctrine of equity and trusts, but also to allow students to place the development of these principles and doctrines in a context that appreciates historical circumstance as well as emergent issues. In looking at the development of equity and trusts, students will draw from their existing studies of law, in such a way as to enable them to identify much more concisely the jurisprudence and procedures which equity has brought to the common law system, and to consider the many possibilities for developments in the future. In order to consider potential developments, we will be using comparative material from commonwealth jurisdictions. Equity and trusts is a very vibrant area – an area that encourages strategic legal thinking. It is also an area of study that allows students to think much more directly about general principles of law and, in particular, the ideas equity, trusts and conscience.

Learning Outcomes

- develop skills for close case reading and analysis.
- be able recognise fiduciary relationships, and think through the consequences of such relationships.
- develop their ability to think creatively within the law.
- be able to determine the impact of the trust relationship in specific circumstances.
- develop their ability to write concisely in response to written questions.
- learn the historical development of equity, and consider its implication within the current socio-legal context.

Preliminary Reading

H Berman Law and Revolution (Harvard, 1983)

M Halliwell Equity and Good Conscience (Old Bailey Press 2nd ed, 2004)

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LW514	Labour Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Grabham Ms E

Contact Hours

20 hours seminars per annum (10x 2 hour seminars)

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

20% coursework (consisting of 1 legal problem and 1 essay); 80% written examination - optional 50% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

This module is concerned with the legal regulation of employment. It combines legal analysis and the transmission of practical legal skills with a contextual understanding of the labour law, both politically and socially. Students will study various legal aspects of the modern employment relationship including the contract of employment, statutory employment protection provisions (for example unfair dismissal and redundancy protection), anti-discrimination legislation and provisions for reconciling work and family life (e.g. pregnancy protection and parental leave). The module will also explore aspects of collective labour law including the role and status of trade unions, the legal regulation of collective bargaining and the regulation of industrial conflict. Labour law students can, if they choose, further develop their legal skills by participating (on a voluntary basis) in live casework under the auspices of Kent Law Clinic (the law school legal advice clinic). The module seeks to combine a sound knowledge of fundamental aspects of labour law with the development of broader critical and evaluative perspectives on workplace regulation.

Learning Outcomes

- to have an ability to demonstrate a clear understanding of the concepts, rules and principles which apply in labour law through:-legal analysis of concrete situations in the form of legal problems; and being able to give an accurate and informed account, making appropriate references to cases and statutes, of particular areas of law, their practical application, and wider social and political implications.
- to acquire legal research skills, including IT and writing skills (particularly the ability to present well structured and coherent legal and policy arguments).
- to have adequate working understanding of European labour law, its interplay with UK law and the social and legal issues this interplay generates.
- to have the ability to engage in reasoned and informed discussion about labour law provisions and the policy debates surrounding them.

Preliminary Reading

N Bamforth et al - Discrimination Law; Theory & Context (Sweet & Maxwell)
ACL Davies - Perspectives on Labour Law (2nd ed. CUP)

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LW517		International Business Transactions				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Oduntan Dr O

Contact Hours

20 hours lectures; 10 hours seminars per annum (approximately)

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

20% coursework, consisting of 2 essays of 3000 words, and 80% written examination with an optional 40% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

The aim of the module is to study the law relating to certain major aspects of international business such as export sales/international sale of goods, their transportation and finance implications, marketing operations abroad, mergers and acquisitions and dispute settlement matters and mechanisms. Although the main focus will remain on English law, the two important recent trends, i.e. the global integration of international trade law and trends in EC law will be given due weight. The module is unique in that it pays special attention to certain topics and areas that go beyond the typical syllabus in IBT law. These include: examination of the intersections of International Trade Law with philosophy of law (such as the theory of *lex mercatoria*) and its relations to other fields like international politics, public international law and development law; the emerging international regime against corruption in international business and multinational operations as well as the highly technical and practice led work of tracing the proceeds of corruption across international boundaries.

Learning Outcomes

- to have a comprehensive perspective of the laws relating to the major aspects of international business today.
- to acquire a secure grasp of the legal principles involved.
- to use and apply relevant legal principles in order to solve concrete legal problems in the real business world today.
- to use diverse source materials that may relate to different topics in the course.
- to be aware of different laws, sets of rules or principles in different regimes that are applicable to many aspects of international business and export trade today.
- to be aware and retain a very critical understanding as the module progresses, of entrenched injustices in the transnational business legal order as well as emerging trends.

Preliminary Reading

CM Schmitthoff *Export Trade* (Sweet & Maxwell, 11th edn, 2007)

J Braithwaite and P Drahos *Global Business Regulation* (Cambridge: CUP, 2001)

J Chuah *Law of International Trade: Cross-Border Commercial Transaction* (London: Sweet and Maxwell, 4th edn, 2009)

I Carr *International Trade Law* (Cavendish, 4th edn, 2009)

LW518		The Law of Evidence				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Exam	Rubin Prof G

Contact Hours

One hour seminars weekly, total of 60 contact hours.

Pre-requisites

LW508 or LW601 Criminal Law.

Availability

This module is only available to students in Stage 3. This module is normally recorded and may be downloaded.

Method of Assessment

The assessment is either: Coursework worth 50% (2 multiple choice tests both worth 10% and 1 problem based assignment worth 30%) and written examination (50%), OR, coursework (20%), dissertation (40%) and a written examination (40%)

Synopsis

The role of evidence in a courtroom is technical but its rules reflect core principles of the due process of law. These are becoming more significant with the implementation of the Human Rights Act 1998. The module considers matters such as the functions of judge and jury, standards and burdens of proof, the competence and examination of witnesses, the exclusionary rules relating to character, opinion and hearsay, improperly obtained evidence. The module also introduces students to the process of inferential logic.

Learning Outcomes

- to be aware of the main sources relating to evidence, from a range of disciplines. They should be able to use these materials for research purposes
- to understand the relationship between the rules of evidence and human rights principles
- to be able to apply the basic skills in inferential logic to the analysis of factual situations
- to be aware of the implications for evidence and procedure of the European Convention on Human Rights
- to have a good knowledge of the rules of evidence

Preliminary Reading

R Munday *Evidence* (6th ed, OUP 2011)

G Durston *Evidence: Text and Materials* (OUP 2008)

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LW519		Law and Medical Ethics				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Sheldon Prof S

Contact Hours

20 hours lectures; 20 hours seminars per annum (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

20% coursework (consisting of 2 multiple choice in-class assessments); 80% written examination (optional 80% dissertation). Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

Law and Medical Ethics considers medical law in its social, ethical, political and historical contexts. In the Autumn term, students will be introduced to the fundamental principles of medical ethics and the law, then pass to their incorporation in resource allocation decisions, medical negligence, consent, confidentiality and research. In Spring term, topics covered will include abortion, reproductive technologies, transplantation and organ donation, and issues relating to death and dying.

Learning Outcomes

- the structures of liability within medical law and the health care professional/patient relationship
- the ethical principles and concepts which underlie medical law and critiques of these

Students will develop an understanding of: a range of significant ethical debates within medical law, such as those regarding resource allocation, death and dying, reproductive choice, organ transplantation and other contested areas involving medical decision making.

Preliminary Reading

E Jackson Medical Law: Text, Cases & Materials (Oxford University Press, 2nd ed, 2010)

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LW520	Company Law and Capitalism					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Magaisa Dr A

Contact Hours

20 hours lectures; 20 hours seminars (approximately)

Restrictions

Not available to non law students. This module has a quota of 90 students.

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

80% written examination and 20% coursework consisting of 1 multiple choice test, 1 in-class essay and 1 problem question - optional 40% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

This module seeks not only to familiarise students with the basic concepts and structure of modern British company law, but also to provide them with a critical understanding of the nature and dynamics of modern capitalism and of the historical development of industrial organisation and the emergence of company law within it. In addition to a selection on modern company law, therefore, the module also traces the rise of the joint stock company in the nineteenth century and the emergence of company law in its wake. It moves on to trace the twentieth century rise of the modern multidivisional, multinational company and its impact on company law. In this context, it also considers the nature of the share and of shareholding, and the role of the Stock Market, and explores contemporary debates about corporate governance. Key aspects will include exploring the contractual relations between, on the one hand, the company and its agents and on the other hand, third parties who deal with the company, tracing the evolutionary changes from the Common Law to the modern predominantly statutory framework. It will also deal with aspects of corporate management and control, including directors' duties, shareholders' rights and the increasingly important issues pertaining to market abuse and how the law seeks to deal with such practices. Students are encouraged to familiarise themselves with current issues in the commercial world by reading the financial pages of the newspapers, as reference will frequently be made to current events to facilitate the learning process. The module will address a range of inter-related questions: How well suited is modern company law to the regulation of the large modern corporation? What do shareholders do? What does the Stock Market do? In whose interests are modern corporations run? In whose interest should they be run? How do companies contract and what are the relationships between the organs of the company?

Learning Outcomes

- to have an understanding of the historical development of company law and its relationship to the development of capitalism
- to have a critical understanding of the purposes of company law and the interests that it protects
- to have an understanding of the applicability of company law to organisations of different economic types
- to be able to apply the rules of modern company law to a variety of factual situations
- to have an understanding of some of the key issues surrounding contemporary debates about corporate governance and market abuse.
- to have an understanding of the fundamental legal concepts of modern company law

Preliminary Reading

D Henwood Wall Street: How it Works and for Whom (Verso, 1997)

J Parkinson Corporate Power and Responsibility (Clarendon, 1993)

B Pettet Company Law (Longmans, 3rd ed, 2009)

P L Davies Gower & Davies Principles of Modern Company Law, 8th Edition (Sweet & Maxwell, 2008)

J Lowry & A Dignam Company Law (OUP, 2009)

LS Sealy Cases and Materials in Company Law (Butterworths, 8th ed, 2007)

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LW522		Comparative Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Exam	Glanert Dr S

Contact Hours

1 hour lecture and 1 hour seminar per week.

Pre-requisites

LW313 A Critical Introduction to Law, and LW588 Public Law 1. Previous or concurrent study of LW522 European Legal Systems is desirable but not required. Exchange students may be permitted to register this module at the discretion of the convenor, subject to appropriate prior study.

Method of Assessment

50% coursework, consisting of 2 essays of 3000 words; 50% written examination.

Synopsis

In the current context of globalization, postcolonialism and transnationalism, not to mention the Europeanization of laws, every law student in the UK will almost inevitably encounter foreign law in the course of his or her professional life. For one thing, the legislator shows itself more and more open to the influence of foreign legal ideas in the legislative process. Also, appellate judges increasingly refer to foreign law in the course of their opinions. Further, private parties often enter into legal arrangements, such as contracts or wills, presenting an international dimension. In sum, nowadays, foreign law is everywhere and cannot be circumvented. This module intends to provide law students with the necessary intellectual equipment allowing them to approach any foreign law (not only European laws) in a meaningful way. In particular, the module will heighten students' sensitization to the specificity of foreign legal cultures and encourage them to reflect in depth upon the possibilities and limits of cross-border interaction in the law. Another feature of this module will be a critical introduction to hermeneutics, deconstruction and translation studies with specific reference being made to law as these lines of thought are most relevant for comparatists. Throughout the course, concrete examples will be developed from a range of different national laws. No prior knowledge of foreign law or of a foreign language is required.

Learning Outcomes

Students who successfully complete this module will:

have knowledge of current theoretical debates within the field of comparative law

be able to engage critically with the various, and at times conflicting, methods informing comparative law

be conversant with hermeneutics, deconstruction and translation studies as these movements pertain to the study of comparative law

be critically sensitive to the cultural embeddedness of legal comparisons

have a sound understanding of the conditions under which legal ideas travel between different legal cultures.

Preliminary Reading

P Legrand and R Munday (eds) *Comparative Legal Studies: Traditions and Transitions* (Cambridge: Cambridge University Press, 2003)

W Menski *Comparative Law in a Global Context* 2nd ed (Cambridge: Cambridge University Press, 2006)

M Reimann and R Zimmermann (eds) *The Oxford Handbook of Comparative Law* (Oxford: Oxford University Press, 2008)

H P Glenn *Legal Traditions of the World* 4th ed (Oxford: Oxford University Press, 2010)

K Zweigert and H Kötz *An Introduction to Comparative Law*, transl. Tony Wier, 3rd ed (Oxford: Oxford University Press, 1998)

V C Jackson *Constitutional Engagement in a Transnational Era* (Oxford: Oxford University Press, 2010)

V D Amar and M V Tushnet (eds) *Global Perspectives on Constitutional Law* (Oxford: Oxford University Press, 2009)

P Nicholson and S Biddulph (eds) *Examining Practice, Interrogating Theory: Comparative Legal Studies in Asia* (Leiden: Nijhoff, 2008)

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LW523		Mental Health Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	70% Exam, 30% Coursework	Ball Mr M

Contact Hours

22 hours lectures; 20 hours seminars per annum (approximately)

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

70% written examination and 30% coursework consisting of a written assessment worth 20% and a practical oral exercise worth 10%. Optional dissertation element consisting of 10% written coursework: 10% practical oral exercise and 80% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

The Module will examine the legal issues encountered by people with mental health problems. It will explore the unique concerns, procedures and legal remedies associated with mental disability, including the operation of the Tribunals and the interaction between mental health law and the criminal justice system. Students will observe the Tribunals or have the opportunity to participate in a mock Tribunal.

Learning Outcomes

- to be able to understand the objectives and scope of the Mental Health Act 1983 (as amended in 2007), the Mental Capacity Act 2005, the Codes of Practice and the relevant case law.
- to be able to understand the legal construction of mental illness, including its historical development.
- to be familiar with the legal frameworks designed to protect both patients and the public.
- to be able to evaluate critically the operation of mental health law in its wider context, including contrasting the legal and therapeutic approaches and reform of the law.
- to be aware of the relationship between mental health law and other areas of the law.
- to understand the role of the Mental Health Review Tribunal and of advocacy in the mental health system.

Preliminary Reading

R Porter *Madness: A Brief History* (OUP, 2002)

LW539		Droit Civil				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Glanert Dr S

Contact Hours

40 hours Lectures; 20 hours Seminars (approximately)

Pre-requisites

LW567 Droit Constitutionnel et Administratif Pre-requisite for the French 'Licence', is compulsory for English and French Law students and open to Law or Law with a Language (French) students who have taken LW567

Method of Assessment

80% written examination and 20% coursework (4 essays which are either dissertation or commentaire d'arrêt, plus 1 mark for two oral exposés).

Synopsis

The module, which is taught in French, has two objectives: (1) to introduce students to the concept and implications of codified law, particularly with regard to the respective powers of legislator and judge to effect change in response to social, economic and ideological changes; attention will concentrate upon obligations ie contract and liability; and (2) to develop students' skills in presenting legal essays and opinions on court rulings according to the French methodology.

Learning Outcomes

- to enable students to demonstrate proficiency in their understanding of the key elements of French civil law
- to increase students' confidence in their oral participation in group discussion
- to increase students' fluency in their use of French legal language
- to enable students to demonstrate competence in producing written and oral work in accordance with the principles of French legal methodology, through building on work done in the first year module Droit Constitutionnel et administratif.

Preliminary Reading

P Malaurie, L Aynès et P Stoffel-Munck *Les Obligations*, (Defrenois, 5th edn., 2011)

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LW540		The Philosophy of Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Pethick Dr S

Contact Hours

20 hours Lectures; 20 Seminars (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

20% coursework (2 essays) : 80% written examination or optional 100% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

The Philosophy of Law is a module designed for those who are interested in all kinds of reflective speculation about law. What is law for? Should we value it? Should we obey it? What is its relation to justice, to morality and to politics? The module is divided into two parts; the first takes the form of an examination of the major schools in legal philosophy that continue to have influence today, the second is a close, critical reading of a single work in the subject.

Learning Outcomes

- to provide a sound grounding in the concepts, principles and major schools of thought in the philosophy of law.
- to introduce students to the aims of philosophy of law and to its objectives in relation to law and legal reasoning.
- to introduce students to the position of philosophy of law in relation to other theoretical perspectives about the nature of law, such as sociology of law.
- to equip students with the skills necessary for reasoned, critical thinking.
- to investigate the relevance of topics in general philosophy (including ethics, metaphysics and epistemology) to law.
- to promote the ability to undertake legal and philosophical research.

Preliminary Reading

B Magee The Great Philosophers (BBC, 1987)

R Dworkin Law's Empire (Fontana, 1986)

JW Harris Legal Philosophies (Butterworths, 2nd edn, 1997)

HLA Hart The Concept of Law (OUP, 2nd edn, 1994)

F Schauer Playing by the Rules (OUP, 1991)

LW541		Legal History				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	

Contact Hours

40 hours seminars

Method of Assessment

20% coursework (2 essays); 80% written examination - optional 100% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

Law has been described as "frozen history". In other words, the legal rules, apparatus and institutions do not exist in a vacuum but are part of, and reflect, dynamic changes in cultural, political and economic conditions. Hence the history of law is intimately associated with social change, and what we understand of law today is contextualised by all that has gone before. Adopting this approach, this module will explore constitutional and legal changes in England, with an emphasis on the period which runs from the 16th to the 18th century.

Learning Outcomes

- to develop an understanding of legal history; its methodologies, sources and principles
- to develop an appreciation of the historical formation of legal modernity and the modern legal subject
- further develop their critical, analytical, and research skills
- to be able to locate the historical development of the English legal system in its wider economic, political and cultural context

Preliminary Reading

Q Skinner The foundations of Modern Political Thought (2 vols) (Cambridge University Press 2000)

J H Burns and M Goldie (eds) The Cambridge History of Political Thought 1450-1700 (Cambridge University Press 1994)

G Burgess The Politics of the Ancient Constitution an Introduction to English Political Thought 1603-1642 (Macmillan, 1992)

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LW542 Policing

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	50% Coursework, 50% Exam	

Contact Hours

10 hours Lectures; 10 hours Seminars (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

50% coursework (1 essay); 50% written examination - optional 100% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

The police represent the clearest boundary between the citizen and the state - this module examines their origins and development and their current organisation as well as the evolution of the strategies of policing. It looks at their powers in relation to investigative and deployment techniques as well as issues of their accountability for their decisions and their actions. Underlying the module is an exploration of the role of policing within liberal democratic society.

Learning Outcomes

- to be able to identify the main literature and sources relevant to the subject and to explain key research techniques in locating and using those materials
- to understand the key functions and principles of the policing process
- to know the ethical and legal principles underlying the police investigation of crime and their relationship to social policies
- to be aware of the procedures and decision stages of police work
- to understand the relationship between police forces and society

Preliminary Reading

M Rowe Introduction to Policing (Sage 2008)
 R Reiner The Politics of the Police (OUP, 4th ed 2010)
 T Newburn (ed.) Handbook of Policing (Willan 2nd ed October 2008)
 E Mclaughlin The New Policing (Sage 2007)

LW543 Clinical Option: Legal Process and Public Legal Services

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Project	Fitzpatrick Mr J

Contact Hours

20 hours Lectures; Seminars (or equivalent) 2-hours weekly for 20 weeks, further supervision as necessary for casework

Restrictions

This module has a quota of 33 students at Canterbury and 10 at Medway. Those wishing to take it must register for it, but must ALSO indicate an alternative choice. If more than 30 students register, ballots will be held, and you will be informed as to whether you have been successful during the Summer vacation. The first ballot will be for the first 16 (or 5) places and will be open only to those who have previously contributed to the work of the Clinic. A second ballot, for the remaining places, will be open to all remaining students registered for the module. If you are unsuccessful your alternative choice will be substituted.

Method of Assessment

50% dissertation (8000 words, including reports on cases), 50% coursework assessment. (coursework consists undertaking legal casework under supervision)

Synopsis

Students on this module must become members of the Kent Law Clinic, and work under supervision on 'live' cases for clients of the Clinic. Students will develop their knowledge and understanding of specific areas of English law and procedure, and some specific skills. Students are encouraged to view their practical work as a means to an end – not just the acquisition of important legal skills but primarily a better understanding and critical analysis of the law and of legal practice. The excellent opportunity which clinical work provides for active learning, and for studying the interface between theory and practice, is placed firmly in this context.

Learning Outcomes

- to have a sound knowledge of selected areas of substantive law, in particular in the fields of employment and immigration/asylum law and public law
- to have a detailed knowledge of selected procedures of the English legal system, and of public legal services
- to have the ability to analyse and evaluate the operation of the law in practice
- to have a sound understanding of the ethical issues involved in the practice of law
- to have the ability to develop methods of planning and analysis appropriate to unstructured and developing situations of fact
- to acquire legal and generic skills including learning from experience, file management, legal research, interviewing, correspondence, legal drafting, negotiation, and advocacy

Preliminary Reading

G Slapper & D Kelly The English Legal System (Cavendish, 11th ed, 2011-2012)

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LW544 Punishment and the Penal System

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	Cheney Dr D

Contact Hours

10 hours lectures; weekly seminars

Method of Assessment

50% coursework (1 essay); 50% written examination - optional 100% dissertation. Contact Kent Law School Undergraduate Office, or access Moodle, for details.

Synopsis

The philosophical problems of punishment are linked to the practical issues of penal policy.

Learning Outcomes

- to be able to prepare detailed accounts of the major developments in penal practice and theory making appropriate reference to legal and academic source authorities
- to be able to evaluate the operation of the penal estate in the social context
- to have the ability to engage in reasoned and informed discussion on the major areas of penal theory and practice both orally, and in writing.
- to have the ability to undertake legal/penal research
- to have a clear understanding of the concepts and principles of penal theory and practice and a knowledge of the major theoretical debates in the penal field

Preliminary Reading

The best preparation for this module is that students visit the websites of HM Prison Service, HM Chief Inspectorate of Prisons & Probation and the Prisons & Probation Ombudsman.

LW551 Law and Literature

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Project, 20% Coursework	Bottomley Ms A

Contact Hours

20 contact hours (combined 2-hour lecture seminar)

Synopsis

So much of law is about text and the manipulation of language: Becoming sensitive to the construction of narratives in judgements, learning to read argument in its many forms, recognising the ways in which words, and patterns of words, can be used to create effect, playing with ambiguities or seeking to express an idea with clarity, all these are fundamental skills for a lawyer. Law is also about performance, the roles which are assigned to us and the drama of the court room. And law, as text and performance, carries fundamental cultural messages about the society we live in and the values we aspire to. During this module, we will examine some of the many ways in which reading, viewing and listening to, 'the arts' helps us to think more concisely as well as more imaginatively about law. Our preliminary 'reading list' is longer than usual, it is designed to give prospective students a taste of the range of material we will cover, as well as to suggest that it will be helpful to have undertaken some preliminary work before starting the module. We welcome on to the module anyone who shares, with us, an enjoyment of reading, viewing and listening – this is a chance to be introduced to material you may not be familiar with as well as a chance to pursue an interest you may already have. Although the module is designed primarily for law students, it is also open to undergraduates from other degree programmes. The first term will be structured around taught classes. The second term will not involve classes but will involve the writing of a supervised dissertation.

Learning Outcomes

- to understand the origin of law in humanities rather than in social science.
- to develop an understanding of law as a text, susceptible to manipulation.
- to consider the contemporary representation of lawyers in imaginative media.
- to develop an appreciation of how law intersects with the arts generally.
- to develop a critical understanding of law's claim to be truthful.

Preliminary Reading

P Goodrich Languages of Law (London: Weidenfeld & Nicolson, 1990)

G Deleuze Negotiations (New York: Columbia University Press, 1995)

Charles Dickens Bleak House

Franz Kafka The Trial

Patricia Highsmith Cry of the Owl

Shakespeare Titus Andronicus, Merchant of Venice

Jane Austen Pride and Prejudice

Oscar Wilde Ballad of Reading Gaol

Chester Himes A Rage in Harlem

JG Ballard High Rise

Jean Anouilh Antigone

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LW552		European Legal Systems				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Glanert Dr S

Contact Hours

40 hours lecture/seminar (approximately) This module is co-covened by Professor Geoffrey Samuel and Dr Simone Glanert.

Method of Assessment

80% written examination and 20% coursework (2 essays).

Synopsis

The aim of the module is to provide a basic introduction to the common characteristics which underpin the European (continental) legal systems with the object of providing students (particularly those on all of the four year European degree programmes) with a foundation upon which they can develop a more substantial knowledge of a continental jurisdiction. It will aim to provide a general grounding in the history, culture and mentality of the European legal systems and as such will focus upon the historical foundations, the institutional development and the methodological traditions. The starting point and foundation of the module will be the university tradition stemming from the rediscovery of Roman law in the 11th century and the development and transformation of this tradition over the subsequent centuries into the perceived axiomatic structure at one time thought to underpin the codes. Particular attention will be given to the French and German systems and contemporary developments within these systems will form the final part of the module.

Learning Outcomes

- to demonstrate a clear understanding of the concepts, categories, and reasoning techniques of civil lawyers in general;
- to appreciate the historical development and mutations of Roman, customary, mercantile and Royal law from the 11th century to the 21st century;
- to compare procedural and substantive law ideas with ideas from the common law tradition;
- to understand mentality differences between systems within the civilian tradition;
- to undertake further and more detailed study of one or more civil law systems;
- to reflect upon the history and nature of western legal thought.

Preliminary Reading

P Stein Roman Law in European History (Cambridge, 1999)

R Van Caenegem An Historical Introduction to Private Law (Cambridge, 1992)

R Van Caenegem An Historical Introduction to Western Constitutional Law (Cambridge, 1995)

TG Watkin The Italian Legal Tradition (Dartmouth, 1997)

K Zweigert & H Kötz An Introduction to Comparative Law (Oxford, 3rd edn., 1998, trans T Weir)

J M Smits (ed), Elgar Encyclopedia of Comparative Law (Elgar, 2006): entries on: German Law; Legal History and Comparative Law; and Civil Procedure

LW555		Banking Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Wong Dr S

Contact Hours

20 hours of lectures; 10 hours of seminars (approximately)

Method of Assessment

80% written examination and 20% coursework (2 essays); - optional 40% dissertation. Contact KLS Undergraduate Office, or access Moodle, for details.

Synopsis

This module will focus primarily on the domestic law of banking. The module is designed to provide students with a solid grounding in banking law as well as an understanding of the broader social, economic and political issues underlying the rapid evolution that is presently taking place in the banking industry. In addition, the module aims to provide students with an understanding of the relationship between banking practice and law and the practical application of banking law.

Learning Outcomes

- to have an understanding of the nature and legal status of the banker-customer relationship.
- to have knowledge of the operation of customer accounts and the bank's duties to customers.
- to have knowledge of banking operations, including the provision of finance, the taking and enforcement of security for advances
- to be able to analyse and critically evaluate the relationship between banking and the law.
- to have acquired problem-solving skills and be able to structure, formulate, communicate and defend their arguments in relation to the issues identified both orally and in writing.
- to be able to engage in independent study and conduct independent and collaborative research as part of team.

Preliminary Reading

A Arora Practical Banking and Building Society Law (Blackstone, 1997)

W Clarke How the City of London Works (Sweet & Maxwell, 7th edn, 2008)

J Wadsley & GA Penn The Law Relating to Domestic Banking (Sweet & Maxwell, 2nd edn, 2000)

R Cranston Principles of Banking Law (OUP 2nd edn, 2002)

EP Ellinger, E Lomnicka & CVM Hare - Ellinger's Modern Banking Law (OUP 5th edn, 2011)

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LW556	Intellectual Property Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Exam	White Dr W

Contact Hours

Lectures 40 hours; seminars 7 hours

Availability

This module has a quota of 60 students. Not available to non law students.

Method of Assessment

1 written examination (50%); Coursework in the form of a 5000 word Policy paper (50%)

Synopsis

This module will examine the main forms or types of intellectual property (IP) rights: copyright, patents and trademarks (as well as the related topics of passing off and breach of confidence) that are encompassed by the notion of privatising the intangible fruits of the mind. About each of these IP forms, we will ask: what are the procedural requirements required for its creation as IP? Who is the owner of the IP and why is he/she owner? What are the various rights given to the rights-holder? What constitutes IP infringement? What are the remedies available for IP infringement? But this is not an exclusively doctrinal module and we will continually look at pressing policy questions such as: why should we protect IP? How important is continuing access to the public domain? Should plants be the subject of a patent? Do employees get short-changed by the presumptions of IP law? Particular topics will vary from year to year, but may include: should musical parodies be permitted? Who benefits from IP? Should human genes be patentable? Copyright issues on the Internet. Patents, copyright and socio-economic development in the global South. Should greater protection be given to whistleblowers? The focus will be on UK IP law, but we will regularly examine relevant EU directives and global IP treaties. The aim is not to provide a crash course in all aspects of intellectual property doctrine, but rather to examine a range of important practical and theoretical questions about a form of property that some commentators have called "the new wealth" of the 21st century.

Note: a) Students will be expected to attend both of the two one-hour lectures each week; b) The lectures will NOT be recorded and do NOT register if you think you need to listen to such recordings; c) Students are expected to read in advance of the lectures, which operate more as large participatory question-and-answer seminars.

Learning Outcomes

- to have a clear understanding of the concepts, rules and principles of the major types of intellectual property, domestically and internationally.
- to have acquired oral and written skills in legal and legal policy arguments.
- to have an in-depth legal analysis of concrete fact situations involving different types of intellectual property.

Preliminary Reading

J Davis Intellectual Property Law (Butterworths, 3rd ed, 2008)

W Cornish Intellectual Property (Sweet & Maxwell, 7th ed, 2010)

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LW561		Law of the Workplace				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Grabham Ms E

Contact Hours

20 hours lectures; 20 hours seminars (approximately) per annum. This lecture is recorded and may be downloaded.

Restrictions

Not available to single honours Law students (see LW514 Labour Law) Available to non-Law and joint honours Law students, subject to consultation with Module Convenor.

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

20% coursework (consisting of 1 legal problem and 1 essay); 80% written examination - optional 50% dissertation. Contact KLS Undergraduate Office, or access Moodle, for details.

Synopsis

This is essentially a Labour Law module designed for students taking few, if any, other law modules. It is particularly aimed at students on the Employment Relations and Human Resource Management (Law) degree programme (where it is a compulsory element) but is likely to be highly relevant to anyone with a business component in their degree programme (if not anyone likely to enter the world of work!). In the first term, students cover the core doctrinal principles of individual employment law while at the same time developing key legal skills such as reading cases and statutes and accessing legal material in the library and online. The focus on problem-solving and case analysis in the classroom facilitates the development of legal analytical skills and knowledge and understanding of legal doctrine. The second term focuses on the complex area of discrimination law (providing, inter alia, an opportunity to explore the interplay between British and EC law) as well as addressing 'collective' labour law issues, for example, the law relating to trade union organisation, collective bargaining, and industrial conflict. Throughout the year students are encouraged to relate the law they are studying to other aspects of their degree programme by bringing together, in lectures and classroom discussion, questions of law, economics, politics and social policy. The emphasis is on an interdisciplinary approach to labour law and an interrogatory one where students are encouraged to question legal arrangements and their rationales and reflect critically on the development of law and its role and functioning in society.

Learning Outcomes

- to have a practical grasp of the range of ways in which the workplace is legally regulated.
- to have the ability to demonstrate a clear understanding of the primary legal concepts, principles and rules governing workplace regulation through the following:
 - a) Legal analysis of concrete situations. This includes the ability to sort out complex fact situations in order to indicate how they may be legally analysed, and to offer an informed opinion on which principles, cases, and statutes might apply to resolve the difficulties presented in the problem, with some awareness of the practical and procedural problems which might also arise.
 - (b) The provision of accurate, informed and evaluated accounts, making appropriate references to cases and statutes, of particular areas of law, their practical application, and their wider social, economic and political implications.
 - (c) Ability to engage in reasoned and informed discussion about legal provisions governing the workplace and the policy debates which surround them, presenting an account of the issues involved from a range of perspectives.
 - (d) Acquisition of legal research skills, including law library (using law reports) and IT skills (accessing cases, statutes, and policy documents online; familiarity with websites which are employment-law related), and writing skills (particularly the ability to present well-structured and coherent legal and policy arguments).

Preliminary Reading

N Bamforth et al *Discrimination Law; Theory and Context* (Sweet & Maxwell, 2008)
ACL Davies - *Perspectives on Labour Law* (2nd ed. CUP)

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LW563		Law - Dissertation				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	100% Project	Bottomley Ms A

Contact Hours

Approximately 8 hours per term (consisting of sessions with the convenor and with your supervisor)

Pre-requisites

LW592 Public Law 2

Availability

Only available to stage 3 students (some exceptions may be made in certain circumstances) and only available to those who have achieved at least 2:2 in Public Law 2 Special Study. Not available to non law students.

Method of Assessment

20% dissertation outline of 2000 words (due at the end of the autumn term), 80% dissertation of 10,000 words.

Synopsis

This module allows a student to undertake a lengthy writing project on a law -related subject that interests her/him under the supervision of a KLS staff member. It is available to Stage 3 students taking single or combined honours law programmes. Public Law II is a compulsory prerequisite module. Students achieving a mark lower than a 2:2 in Public Law 2 will not be admitted to this module. Students wishing to take this module must settle on their topic and find a dissertation supervisor near the end of the Spring term of the academic year previous to the start of this module. During the first term of this module, the convenor will conduct several sessions on how to research and write a law dissertation.

Learning Outcomes

- to explore the complexity of a legal issue/topic of interest to the student.
- to develop skills in doing legal research
- to learn written advocacy

LW566		Law Dissertation (1 unit option)				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Project	Bottomley Ms A
1	Canterbury	Spring	H	15 (7.5)	100% Project	

Contact Hours

Approximately 7 hours per term (consisting of sessions with the convenor and your supervisor)

Pre-requisites

LW592 Public Law 2.

Availability

Not available to non law students. Stage 3 students only (exceptions will be made in certain circumstances) and only those who have achieved at least 2:2 in Public Law 2 Special Study.

Method of Assessment

20% dissertation outline of 2000 words, 80% dissertation of 6000 words.

Synopsis

This module allows a student to undertake a lengthy writing project on a law -related subject that interests her/him under the supervision of a KLS staff member. It is available to Stage 3 students taking single or combined honours law programmes. Public Law II is a compulsory prerequisite module. Students achieving a mark lower than a 2:2 in Public Law 2 will not be admitted to this module. Students wishing to take this module must settle on their topic and find a dissertation supervisor near the end of the Spring term of the academic year previous to the start of this module. During the first term of this module, the convenor will conduct several sessions on how to research and write a law dissertation.

Learning Outcomes

- to explore the complexity of a legal issue/topic of interest to the student.
- to develop skills in doing legal research
- to learn written advocacy

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LW570 Law and Social Change

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	

Contact Hours

2 hours weekly lecture/seminar.

Availability

Only available in Medway.

Method of Assessment

100% coursework consisting of a research essay of 6000 words.

Synopsis

The module aims to investigate the ways in which the moral character of law is shaped and contested. In other words, we will seek to respond to questions such as the following: How does law produce morality and morality produce law? When, if ever, is it appropriate to disobey 'the law' and what forms should disobedience take? Is there such a thing as moral or immoral law? How does the moral character of law shift in response to social change? How might we envision an ideal moral-legal framework? Typically its content will include:

- Introduction to Law, morality, and social change
- Issues of Speech and Identity
- Disgust and the Law
- Immoral Law and Civil Disobedience
- Issues arising in the area of law and discrimination
- Politics of Rights
- Modelling change

Learning Outcomes

- to employ a range of theoretical approaches to understanding law, morality, and social change, by exploring diverse perspectives, and selected case studies;
- to have developed a facility for independent, critical thinking on the history, and the social and political character of legal change;
- to reflect upon and analyse the moral and ethical content and impact of law.
- demonstrate advanced research and writing skills through undertaking a major research essay.

Preliminary Reading

M Sandel Justice: What's The Right Thing to Do? (Penguin, 2009)

Shakespeare The Comedy of Errors (any version)

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LW571 Law and Society: Regulating Communities

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	Cooper Prof D

Contact Hours

10 lectures and 5 fortnightly seminars (approximately)

Availability

There is a quota of 20 students on this module. Places will be allocated on a first come first-served basis.

Method of Assessment

100% coursework consisting of 1 essay of 5000 words.

Synopsis

This module focuses on governance, regulation, norm-maintenance and rule non-compliance within communities and institutions. It provides a distinct perspective to general questions of law, socio-legal theory, and jurisprudence. Key questions include: when do norms count as law? How do communities govern themselves, and what role do law and social norms play in this process? What authority do intentional communities possess when it comes to rule-breaking? What is the relationship between community rules and state law? Can communities function without rules? And is institutional law-breaking (or non-compliance) analogous to individual disobedience? Topics include: legal pluralism and legal consciousness, Foucault and governmentality, norm-following among strangers, etiquette within public sex communities, virtual worlds, governing through local currencies, nudism, self-regulation in a free school, and Speakers Corner.

Learning Outcomes

- to have explored different strategies for dealing with conflict and division;
- to have a developed understanding of community-based governance
- to have a developed understanding of the relationship (including the similarities and differences) between norms, regulation, and law;
- to have a developed understanding of law in its social context;
- to have developed the ability to critically read texts;
- to have developed research skills through essay writing;
- to have extracted from, and combine, evidence and intellectual frameworks, from very different sources and studies, in the course of developing an argument;
- to have responded to intellectual questions at the cutting-edge of scholarship; to develop the capacity to address and explore legal questions through non-legal texts.

Preliminary Reading

D Cooper *Governing out of order: Space, law and the politics of belonging* (Rivers Orams Press, 1998)

M Appleton *A free-range childhood: Self-regulation at Summerhill School* (Foundation for Educational Renewal, 2000)

J Dewar et al (eds.) *Nuclear weapons, the peace movement and the law* (Macmillan, 1986)

J Horrox *Living Revolution: Anarchism in the Kibbutz Movement* (Acab, 2009)

S Roseneil *Common Women, Uncommon Practices: The Queer Feminisms of Greenham* (Cassell, 2000)

LW572 Immigration Asylum & Nationality Law

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Ryan Prof B

Contact Hours

Lectures – 20 hours per annum; Seminars – 20 hours (approximately)

Pre-requisites

For Law students, it is desirable that LW592 Public Law II and LW593 European Union Law are taken prior to, or in addition to, this module. If being taken as a 'wild' module these modules are not necessary.

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

80% written examination and 20% coursework consisting of 2 essays of 3000 words each.

Synopsis

The module will offer a detailed introduction to immigration law, including asylum law and the law on British citizenship. The module will focus on immigration law in Britain, including its history and the political background to its development. Where relevant, the module will include coverage of European Union law, the European Convention on Human Rights and other international law principles.

Learning Outcomes

- an understanding of the sources of immigration, nationality and asylum law
- an understanding of the law on the acquisition of British citizenship
- an understanding of the main categories of legal immigration to Britain
- an understanding of the implications of EU law for the legal rights of EU citizens and non-EU citizens
- an understanding of the implications of the European Convention on Human Rights for immigration law
- an understanding of international law governing asylum, and its operation in Britain

Preliminary Reading

G Clayton *Textbook on Immigration and Asylum Law* (4th ed, Oxford University Press, 2010)

I Macdonald and F Webber - *Macdonald's Immigration Law and Practice* (8th Ed, Butterworths 2010)

2012-13 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

LW578	Law and Political Theory					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	100% Coursework	

Contact Hours

Combined Lecture / Seminar – 40 hours per annum (approximately)

Method of Assessment

1 essay of 30%, 1 essay of 50%, seminar participation 10%, lecture/seminar diary 10%

Synopsis

This module will examine contemporary political and juridical problems by drawing on political theory in relation to sovereignty, law, and violence. For instance, the notion of sovereignty is central to what is regarded as legitimate and illegitimate violence. What is the difference, in political and juridical terms, between a young soldier who sacrifices her/his life for the nation and a suicide bomber whose death and dying also has a political agenda? How can institutional and legalised violence such as colonialism or apartheid be dealt with by individuals and social orders? Classical and contemporary political theory can help us to address such questions.

It will thus examine concepts and theories of sovereignty, community, and the individual subject. Key texts of modern political theory, such as the writings of Hobbes, Rousseau, Kant, Hegel, Marx, and Schmitt will be considered. Contemporary theorists such as Michel Foucault, Giorgio Agamben, Talal Asad, and Veena Das will also be examined. The module will also draw on novels and film to explore the relationship between freedom and violence, suffering and memory,

The examination of Case Studies will give students the opportunity to examine and understand the significance of political theory for dealing with contemporary legal issues and problems such as: terrorism, refugees, postcolonial law, 'war on terror', sovereignty in the EU, and Empire.

Learning Outcomes

- to understanding of the history of political and philosophical ideas on the concept of 'sovereignty'.
- to have an understanding of the relationship between law, sovereignty and the subject – including the notion of the 'human' and its relation to imperialism.
- to have an understanding of contemporary juridical and political problems as phenomena to be considered through political theory – e.g. indefinite detention without trial in the US Military Base at Guantanamo Bay as a problem to be understood through political theories of 'sovereignty'
- to have an understanding of modern theories of power, authority and democracy and their relation to societies in transition (e.g. post-racist, post-conflict societies such as Australia, South Africa, Iraq or Afghanistan)

Preliminary Reading

J Butler (2004) *Precarious Life: The Power of Mourning and Violence* (London: Verso)
M Hardt and Antonio Negri (2000) *Empire* (Cambridge, MA: Harvard University Press)
W Brown (2005) *Edgework: Critical Essays on Knowledge and Politics* (New Jersey: Princeton University Press)
C Schmidt (1996), *The Concept of the Political*. Trans. George Schwab. (Chicago: University of Chicago Press)
M Loughlin (2003), *The Idea of Public Law* (Oxford: Oxford University Press)

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
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Contact Hours

20 hours lectures and 20 hours seminars

Availability

LW579 The Law & the Media module is only available at Medway.

Method of Assessment

30% coursework (consisting of 1 timed essay worth 10% and 1 essay of 3500 words worth 15% and seminar participation worth 5%); 70% written examination - optional 35% dissertation, 1 timed essay worth 10%, seminar participation worth 5% and 50% written examination - see module outline for details.

Synopsis

This module explores the relationship between the media and the restrictions placed upon freedom of expression by the law; why the restrictions are in place and who they protect. The module considers who imposes these restrictions and who decides what we should read, hear or watch. This module encourages students to learn the law but also to consider carefully whether restrictions placed on freedom of expression are justified. The law relating to the media continues to develop and is now increasingly influenced by the Human Rights Act and the impact of decisions from the European Court of Human Rights.

Learning Outcomes

- to identify the main literature and sources relevant to the law relating to freedom of speech and media regulation and to use key research techniques in locating and using those materials
- to identify the key functions and principles of law relating to freedom of speech and the media
- to appreciate the ethical principles underlying the notion of freedom of speech, its promotion by the state and also the restrictions placed upon it by the law in England and Wales and to a limited extent by other jurisdictions
- to consider the tensions between the state support of freedom of expression and the restrictions placed upon it by law
- to understand and examine the role of a free press within society
- to critically examine the efficacy of the restrictions placed upon the media

Preliminary Reading

G Robertson & A Nicol *Media Law* (Sweet & Maxwell, 5th ed, 2007)
H Fenwick & G Phillipson *Media Freedom under Human Rights Act* (OUP, 2006)

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LW580	Consumer Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	70% Exam, 30% Coursework	Ramsay Prof I

Contact Hours

Lectures - 20 hours approximately. Seminars - 10 hours approximately.

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

30% coursework (consisting of 2 essays) and 70% written examination - optional 50% dissertation. Contact KLS Undergraduate Office, or access Moodle, for details.

Learning Outcomes

- to have a knowledge of relevant common law, statutory and non-statutory sources in the area of consumer law and the ability to research and apply them to concrete fact situations.
- to have an understanding of the standard policy arguments and frameworks of consumer law, and an ability to apply and critique them in concrete policy problems.
- to have an awareness of the different forms of legal regulation of consumer market transactions (e.g. private law, administrative regulation, "soft law", and harnessing market incentives), and their strengths and weaknesses.
- to have an appreciation of the scope of EU consumer law and policy and its effects on UK law.
- to have the capacity to assess claims about the progressive potential of consumer law and its relationship to broader social policies such as addressing social exclusion.
- to have an appreciation of the role of consumer law and policy within the "new regulatory state" in the UK.

Preliminary Reading

Cranston's Consumers and the Law (3rd. ed. Scott & Black) Chapter 1.

I Ramsay Advertising Culture and the Law (Sweet & Maxwell, 1996)

M Hilton Consumerism in 20th Century Britain (Cambridge, 2003)

I Ramsay Consumer Law and Policy: Text and Materials on Regulating Consumer Markets (2nd ed. Hart 2007, Chapter 1)

A Offer The Challenges of Affluence (Oxford, 2006) Chapters 1 (Introduction), 3, 4, 6, 7, 12

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LW581	Law and Literature					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	

Contact Hours

20 contact hours (combined 2-hour lecture seminar)

Availability

Not available 2012/13, please see 30 credit version LW551.

Method of Assessment

100% coursework consisting of an essay question take from a takeaway examination paper worth 90% and a set of questions worth 10%.

Synopsis

So much of law is about text and the manipulation of language: Becoming sensitive to the construction of narratives in judgements, learning to read argument in its many forms, recognising the ways in which words, and patterns of words, can be used to create effect, playing with ambiguities or seeking to express an idea with clarity, all these are fundamental skills for a lawyer. Law is also about performance, the roles which are assigned to us and the drama of the court room. And law, as text and performance, carries fundamental cultural messages about the society we live in and the values we aspire to. During this module, we will examine some of the many ways in which reading, viewing and listening to, 'the arts' helps us to think more concisely as well as more imaginatively about law. Our preliminary 'reading list' is longer than usual, it is designed to give prospective students a taste of the range of material we will cover, as well as to suggest that it will be helpful to have undertaken some preliminary work before starting the module. We welcome on to the module anyone who shares, with us, an enjoyment of reading, viewing and listening – this is a chance to be introduced to material you may not be familiar with as well as a chance to pursue an interest you may already have. Although the module is designed primarily for law students, it is also open to undergraduates from other degree programmes.

Learning Outcomes

- to develop an understanding of law as a text, susceptible to manipulation.
- to understand the origin of law in humanities rather than in social science.
- to consider the contemporary representation of lawyers in imaginative media.
- to develop an appreciation of how law intersects with the arts generally.
- to develop a critical understanding of law's claim to be truthful.

Preliminary Reading

Peter Goodrich Languages of Law (London: Weidenfeld & Nicolson, 1990)
Gilles Deleuze Negotiations (New York: Columbia University Press, 1995)
Charles Dickens Bleak House
Franz Kafka The Trial
Patricia Highsmith City of the Owl
Shakespeare Titus Andronicus, Merchant of Venice and Measure for Measure
Jane Austen Pride and Prejudice
Oscar Wilde Ballad of Reading Gaol
Chester Himes A Rage in Harlem
JG Ballard High Rise
Jean Anouilh Antigone
Preliminary Viewing - Titus, 1999, Dir Julie Taymor
Preliminary Viewing - The Trial, 1963, Dir Orson Wells
Preliminary Viewing - Jagged Edge, 1985, Dir Richard Marquand

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LW583	Art Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	70% Exam, 30% Coursework	

Contact Hours

20 hours of lectures; 10 hours of seminars (approximately)

Availability

Not available 2011/2012.

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

30% coursework (2 essays and oral participation); 70% written examination. Dissertation option is possible (40% dissertation; 60% examination)

Synopsis

This module studies the development of Art law which has been shaped by a complex relationship between artists, dealers, auction houses, collectors, museums and the State. It has emerged from civil law, property law, criminal law, public law, private international law and public international law. It is regulated by a superposition of international treaties, European texts and national laws. Those different interactions have developed a less than coherent Art Law framework that will be comparatively analysed by reference to English, European and International Law. Topics to be discussed are (1) the definition of art in relation to law, cultural property, copyright and pornography (2) the actors of the market: the artist (his rights on the work of art, his freedom of creation and its limits), the dealers (dealers and auction houses), the expert and the collector (3) the sale of works of art: authenticity and counterfeit art, transfer of ownership of stolen art (4) the illicit trade of works of art in time of war (looting, spoliation during World War II) and in time of peace: conflicting national/European/international rules on the restitution of illegally exported, excavated and/or stolen works of art (5) museums: the legal character and obligations, staff, de-accession and (6) the role of the State: a non-neutral actor in the protection and support of art and the artists.

Learning Outcomes

- to understand the historical and social aspects of the regulation of art within society
- to identify the key legal issues relating to the regulation of art and develop their knowledge of legal concepts and procedures in relation to the regulation of the art market
- to explore those aspects of the art market that generate the need for legal regulation and dispute resolution
- to appreciate the scope of EU and International law and policy and their effects on UK law

Preliminary Reading

D Gillman *The Idea of Cultural Heritage* (IAL 2006)

B T Hoffman *Art and Cultural Heritage: Law, Policy & Practice* (2006 CUP)

J Greenfield *The Return of Cultural Treasures* (3rd ed, CUP, 2007)

P Watson, C Todeschini *The Medici Conspiracy: The illicit journey of looted antiques from Italy's tomb raiders to the world's greatest museums.* (Public Affairs, 2007)

LW584	Forensic Science in Criminal Trials					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	Dickson Ms L

Contact Hours

10 hours Lectures; 10 hours Seminars (approximately)

Restrictions

Please note that this module is available ONLY to Social Science Students.

Method of Assessment

50% coursework, 50% examination; 100% dissertation element also available. Please contact KLS Undergraduate Office, or access Moodle, for details.

Synopsis

Forensic evidence is a rapidly developing area in criminal trials – new techniques are continually being developed and forensic evidence such as DNA profiling is increasingly presented as evidence. This rapid expansion has resulted in forensic evidence becoming increasingly debated in the media and by the criminal justice process – from articles hailing DNA profiling as preventing or undoing miscarriages of justice to those questioning a lay jury's ability to make a judgement in case involving highly complex scientific or medical evidence. This module considers how the criminal justice system makes use of forensic science. Initially, analysis of the relevant rules of evidence will be made alongside a broad overview of forensic science in the courtroom. This is then built upon through an exploration of case law and consideration of topical questions such as who should decide whether a new scientific technique should be admissible evidence, who are the experts who present the evidence to juries and the extent to which the admission of forensic evidence assists juries.

Learning Outcomes

- to have a thorough understanding of the historical development of the use of forensic evidence in the criminal justice process.
- to have a thorough understanding of the issues surrounding the use of established and new techniques of forensic science in the criminal justice process
- to be able to evaluate the operation of forensic evidence in the criminal law in the social context
- to have the ability to engage in reasoned and informed discussion on the major themes surrounding forensic evidence in criminal trials

Preliminary Reading

C McCartney *Forensic Identification and Criminal Justice – Forensic Science, Justice and Risk* (Willan Publishing 2006)

A Jackson & J Jackson *Forensic Science* (Prentice Hall, 3rd ed, 2011)

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LW585 Environmental Law I

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	80% Exam, 20% Coursework	Howarth Prof W

Contact Hours

20 hours Lectures; 4 hours Seminars (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

80% written examination and 20% coursework consisting of 1 essay or equivalent.

Synopsis

Environmental law involves the study of those areas of law which concern the threats to environmental quality and ecosystems brought about by a variety of human impacts, especially those involving pollution and the unsustainable use of natural resources. The subject represents both a pressing area of public concern and an increasingly important area of legal practice. Environmental Law I is focused upon those parts of environmental law which are most relevant to avoiding pollution of the environmental media of water, air and land. The module commences with a discussion of the foundational concepts of the subject, including the meaning of 'the environment', 'pollution' and 'sustainable development' in law. These ideas are then related to environmental quality legislation, concerned with public health and pollution controls in respect of different environmental media. After examining sectoral approaches to pollution control, the module then considers cross cutting issues, such as access to environmental information and alternative approaches to environmental regulation which utilise market mechanisms. In each case the object is to place discussion of national and European Community environmental laws in context, by considering how effectively they function as mechanisms for achieving sustainable development. These themes are pursued further in Environmental Law II, which is primarily concerned with the regulation of land use for environmental purposes and the legal protection afforded to biodiversity.

Learning Outcomes

- Students will be able to demonstrate a clear understanding of the main concepts, rules and principles of environmental quality law.
- this understanding will encompass an awareness of the extent to which the elements of environmental quality law are developing and of the ways in which the different layers of law interrelate.
- this understanding will encompass the ability to relate the elements of environmental quality law to a combination of problem scenarios and more general environmental policy issues.
- in relation to both problem scenarios and general policy issues, students will develop the skills and awareness to appreciate the relative gravity of the issues confronted; to be able to identify the main areas of law which are relevant to a particular issue; to be able to apply law to factual situations; and to be able to suggest sound legal advice which shows an awareness of practical realities.
- to be able to form a broad view of the adequacies of legal protection for key areas of the environment, and to present, verbally and in writing, an account of this and of to suggest reforms which might usefully be adopted.
- to be able to form a view of the relative merits of regulation for environmental quality protection, and of the extent to which protection is best dealt with at a local, regional, national, European Community or international level.

Preliminary Reading

J Alder & D Wilkinson Environmental Law and Ethics (Macmillan, 1999)

M Stallworthy Understanding Environmental Law (Thompson, 2008)

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LW586		Environmental Law II				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	80% Exam, 20% Coursework	Howarth Prof W

Contact Hours

20 hours Lectures; 4 hours Seminars (approximately)

Pre-requisites

Either LW585 Environmental Law I or LW524 Environmental Law.

Method of Assessment

80% written examination and 20% coursework consisting of 1 essay or equivalent .

Synopsis

Environmental Law II builds upon the themes introduced in Environmental Law I whilst placing central emphasis upon the environmental and ecological implications of land use and development, and the regulation of land use activities to secure protection of biodiversity. The module commences with some cross-cutting issues, encompassing civil liability for environmental harms and human rights in respect of the environment, before turning to consideration of regimes for restricting land use to prevent unacceptable kinds of environmental and ecological harm. This involves looking at land use development controls in national law and European Community requirements for environmental assessment of projects and plans to anticipate and mitigate the environmental impacts of development. This leads into a discussion of laws that are more specifically concerned with the protection of species and habitats, either through direct restrictions upon destructive activities or through legal mechanisms to secure biodiversity conservation through designation and management of land that is of ecological importance. In respect of each topic, the object is to place discussion of national and European Community laws into context, by considering how effectively they function as mechanisms for achieving environmentally and ecologically appropriate land use and conservation of biodiversity, and ultimately sustainable development.

Learning Outcomes

- Students will be able to demonstrate a clear understanding of the main concepts, rules and principles of environmental and ecological law concerned with land use and biodiversity conservation.
- this understanding will encompass an awareness of the extent to which the elements of environmental and ecological law are developing, and of the ways in which the different layers of law interrelate.
- this understanding will encompass the ability to relate the elements of environmental and ecological law to a combination of problem scenarios and more general environmental policy issues.
- in relation to both problem scenarios and general policy issues, students will develop the skills and awareness to appreciate the relative gravity of the issues confronted; to be able to identify the main areas of law which are relevant to a particular issue; to be able to apply law to factual situations; and to be able to suggest sound legal advice which shows an awareness of practical realities.
- to be able to form a broad view of the adequacies of legal protection for key areas of the environment, and to present, verbally and in writing, an account of this and of to suggest reforms which might usefully be adopted.
- to be able to form a view of the relative merits of civil law and of regulation for environmental protection, and of the extent to which protection is best dealt with at a local, regional, national, European Community or international level.

Preliminary Reading

J Alder & D Wilkinson Environmental Law and Ethics (Macmillan, 1999)

M Stallworthy Sustainability, Land Use and Environment (Cavendish, 2002)

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LW587		Environmental Law Project				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	80% Project, 20% Coursework	

Contact Hours

2 hours per week per strand (approximately)

Pre-requisites

You must have studied either LW585 Environmental Law I, or have previously passed LW524 Environmental Law.

Availability

NOT AVAILABLE 2012/2013

Method of Assessment

80% project and 20% learning diary

Synopsis

Environmental Law Project allows students, through directed project work, to pursue inquiry into particular areas of environmental law. You pursue one of three strands to the module. The first strand is clinical in orientation, and develops critical thinking about law and the environment either through case work, or through legal analysis of problems of contemporary importance in environmental law practice (e.g. barriers to accessing environmental justice). In this strand you may work on topics suggested by (and collaborate with) leading environmental lawyers from private practice and the NGO sector. The second strand relates to global warming (climate change), widely regarded as the most pressing problem which humanity must tackle over the 21st century, and allows you to pursue topics which address a range of different legal aspects to this problem. The third strand allows you to further your interest in any topic initially covered in Environmental Law I or which otherwise falls within the field of environmental law. Depending on the volume of case work, it may be necessary to cap the number of students taking the first strand. However, you may, if you wish, collaborate on any aspect of project work; collaborative work will be given a single mark which, unless it is unreasonable to do so, will be awarded to all collaborators.

Learning Outcomes

- to have acquired a deep understanding of one area of environmental law, and (where appropriate) of the role of international, EC and national law in relation to this
- to have gained an appreciation of the role of law in this area alongside other disciplinary approaches, and of the policy issues, and be able to formulate appropriate reform proposals.
- to have developed their research skills in locating and retrieving legal and policy sources and, where relevant, developed skills in formulating legal advice and presenting their research findings to relevant audiences.

Preliminary Reading

S Bell and D McGillivray Environmental Law (OUP, 2008, 7th ed)

A Giddens The Politics of Climate Change (Cambridge Polity, 2009)

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LW588	Public Law 1					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	I	30 (15)	50% Coursework, 50% Exam	Carr H Dr (LW)

Contact Hours

40 hours lectures; 20 hours seminars (approximately)

Pre-requisites

Please note: this module is only available to students following a Law programme of study (either single or joint honours).

Restrictions

Only available to LAW students

Method of Assessment

50% coursework (consisting of 1 group oral assessment worth 10%; 1 multiple choice worth 5%, 1 group written report worth 10%, 1 writing task worth 10%, 1 essay worth 15%) together with 1 written exam worth 50%.

Synopsis

This module has four main parts.

(i) An introduction to the English legal system and its constitutional significance.

(ii) Constitutionalism – the module looks at law and political theory to ask

i) What is a state?

ii) How does a state constitute itself?

iii) What is the relationship between the citizen and the state?

iv) What is the role of law?

v) What do constitutions tell us about political projects for reform?

(iii) Forms of government

i) Democracy

ii) Federalism

iii) Supra-national bodies

(iv) Constraining the power of the state

i) Human Rights

ii) Judicial Review

iii) Other mechanisms

Learning Outcomes

Summary Intended Learning Outcomes:

• Upon successful completion of this module, students will have knowledge of:

a) The principal features of the English legal system including its institutions, civil and criminal procedures and sources of law and its interface with the European legal system

b) Constitutional principles and their impact upon government

c) Some of the philosophical arguments that lie behind constitutional and human rights discourses

d) The organisation of states, including historical and comparative perspectives

e) The legal and conventional constraints on the exercise of government power

f) Human Rights protections

g) Judicial Review and other administrative law remedies

• And be able to

i) Identify the source of legal authority for government action

j) Identify institutional structures and their impact upon individual citizens

k) Read and evaluate legal and academic texts and cases and understand their relevance to the British Constitution and to the development of administrative law and human rights law

l) Conduct basic research by using legal databases and library sources

m) Construct an argument based on authoritative sources and convey it in both oral and written form, with appropriate and accurate use of language, referencing and citation.

n) Analyse case law, identify the key concepts, the interrelation between the facts and the legal arguments, and provide a coherent account of the judgement

o) Advance coherent legal and political arguments in both verbal and written form

p) Provide a sustained and properly researched analysis in essay form

q) Work collaboratively in groups to organise

i) A visit to a local court

ii) A group oral and written presentation

iii) Reading groups

Preliminary Reading

D Held Models of Democracy (Polity Press, 2006)

M Partington Introduction to the English Legal System (Oxford University Press, 2008)

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LW589 The Skills of Argument - How to Argue and Win

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Exam	Pethick Dr S

Contact Hours

10 hours Lectures; 10 hours Seminars (approximately)

Availability

Please note that for short term students, this module is only available to those who are studying at Kent for a full year and are able to sit the exam in the summer term. This module is not available to those studying at Kent for one term.

Method of Assessment

100% examination (consisting of a critical analysis of one from a set of short unseen arguments provided on the examination paper and a written argument on a topic distributed in advance).

Synopsis

Argument occurs across the full spectrum of human interaction - in pubs, at home, in seminar classes, and in professional contexts such as those provided by law, science and medicine. However, despite the importance allotted to argument and the desire of those engaged in arguments to win them, little systematic attention is given to the nature of argument and the practical skills required to argue successfully, even though this information is readily available. The ambition of the module is to equip students with this knowledge base and skills, thereby enabling them to enter into argument more confidently and with a greater prospect of success. The module divides into three parts, the first being a very brief historical and theoretical contextualisation of the topic. The second part of the module treats argument and arguing formally, by mapping the standard forms of argument and by developing the skill of picking out a bad argument from a good one, and by showing how to spot the set of common but typically unnoticed mistakes in one's own argument or in those of others. The third part of the module turns to the skills of rhetoric and persuasion, including examination of the ploys that are often used to give bad or weak arguments persuasive force. The themes of the module are illustrated throughout using real examples from law and elsewhere.

Learning Outcomes

- to have an understanding of the historical and theoretical context of argument and arguing.
- to have a thorough understanding of the standard forms of argument and the common mistakes made in argument.
- to be able to analyse argument critically, picking out bad arguments from good ones.
- to be able to present sound argument with persuasive force.
- to be able to present weak argument with persuasive force.
- to have the ability to engage in reasoned and informed discussion on the major themes treated on the module.

Preliminary Reading

J Bickenbach and J Davies Good Reasons for Better Arguments (Broadview, 1997)

I Copi and C Cohen Introduction to Logic 13th ed. (Prentice Hall, 2008)

S Mills Discourse 2nd ed. (Routledge, 2003)

A C Grayling The Art of Always Being Right – Thirty-eight Ways to Win when You Are Defeated (Gibson Square, 2005).

LW591 Family Law

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	80% Exam, 20% Coursework	

Contact Hours

10 one hour lectures and 9 one hour seminars (approximately)

Availability

Not available 2012/2013, please see 30 credit option LW505.

Method of Assessment

20% coursework (1 assignment), 80% written examination

Synopsis

This module focuses on the way the law regulates the creation and breakdown of families and relationship between parents, children and the state. Topics will include marriage and civil partnerships, domestic violence, divorce and post-separation arrangements for property and children, legal parenthood and parental responsibility, child protection and adoption.

There is no prescribed preliminary reading, but the following may be of interest to those who wish to undertake some pre-reading.

Due to frequent changes in the law in this area, textbooks tend to go out of date, and new editions are published quite frequently. The assigned textbook will be notified at the commencement of the module.

Learning Outcomes

- to demonstrate an understanding of the basic concepts, principles, policies and legal doctrines that apply in various areas of family law.
- to critically analyse how well the policies and law work in practice and the role of law in regulating family life.
- to apply their knowledge of family law to answer both problem and policy questions.

Preliminary Reading

A Diduck Law's Families (Butterworth, 2003)

G Douglas An Introduction to Family Law (Oxford University Press 2nd Ed, 2004)

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LW592	Public Law 2					Convenor
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	

Contact Hours

20 hours of lectures and 10 hours of seminars (approximately)

Pre-requisites

In order to take this module you must have taken LW588 Public Law 1 or LW503 Constitutional and Administrative Law. Students cannot take this module in the same year as LW588. Co-requisite with LW593 European Union Law. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Only available to LAW students

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

100% coursework (consisting of 1 problem question worth (1000 words) 20%; 1 essay plan and research strategy (1000 words) worth 10%; 1 special study (3000 words) worth 70%)

Synopsis

The module builds on the understanding of constitutional government developed in Public Law 1 to examine the changing nature of the state in new modes of governance and governmentality. The focus is on the shift away from the vertical character of the relationship between state and citizen to a more diffuse mode of governing populations through expertise, techniques of management, and biopolitics. There are two dominant themes in Public Law 2: (i) the nature and role of legislation examined through techniques of interpretation and the application of legislative schemes in particular contexts; and (ii) the changing nature of governance whereby power proliferates – where power is increasingly in the hands of experts with little or no social consensus available for how to tackle contemporary governmental challenges.

In recent times there has been a shift away from states governing through legislation as a mode of command and control. Legislation is increasingly understood as enabling administration and governance rather than as the definitive word on a social or political problem. In some respects, this is a continuation of legislation as a mode of authorising the exercise of public power. However, the nature of power deployed and regulated through legislation has changed. Government through officials or agents directly responsible to Ministers or Parliament is increasingly replaced by quasi-government authorities (QUANGOS) whose strength is technical expertise. While the administrative state as it has evolved in the last century views this shift as a new strength in public administration, the key weakness is that accountability in the exercise of public power is lacking. What are the implications of these transformations for public law? How has public law facilitated these developments? What are the socio-legal and critical legal responses to these developments? These are the central concerns of this module. It thus offers a specialised and complementary extension of themes and issues introduced to students in Public Law 1 in Stage 1 of the LLB degree.

The administrative authorities that have emerged in the era of the 'new administrative law' – post 1970s - lack the formality of liberal constitutional protections. Consider the relative informality in the administration of ASBOS. Moreover, the traditional public/private divide has broken down - e.g. the privatisation of prisons, private corporations providing public services such as nursing homes or transport. The absence of social consensus, or unitary sovereign power has meant that the governance of gambling, security, the environment, gender and sexuality, science and technology, are not phenomena that can be dealt with through traditional liberal concepts or constitutional mechanisms. This module will examine how public law has been the site of social, political, and legal contestations regarding these issues.

Learning Outcomes

- to identify contemporary problems in public law through the application of concepts such as governance, regulation, risk, state and sovereignty.
- to appreciate that a range of contemporary economic and political developments and demands such as globalisation, cheaper justice, informal justice, transformative justice, quasi-judicial tribunals have transformed the ambit of public law.
- to appreciate that a vast amount of public power is exercised without direct legislative authorisation or judicial scrutiny, and thus consider strategies for strengthening accountability.
- to appreciate the role of non-governmental organisations in mobilising and channelling public concerns.
- to appreciate that the distinction between public and private power has broken down, and that the field of Constitutional and Administrative law (public law) needs to respond to the ensuing challenges.
- to appreciate that the traditional distinction between politics and science has undergone significant changes recently, and that public law must absorb and respond to these challenges - eg. calls for public regulation of genetic technologies, testing of GM Crops.

Preliminary Reading

- J Butler *Precarious Life: The Power of Mourning and Violence* (Verso, 2005)
M Dean *Governmentality : Power and Rule in Modern Society* (SAGE, 1999)
N Rose "The Death of the Social", the journal *Economy and Society* (2006)
E Christodoulidis and S Tierney *Public Law and Politics: The Scope and Limits of Constitutionalism* (Ashgate, 2008)
S Franklin *Dolly Mixtures: The Remaking of Genealogy* (Duke University Press, 2007)
E Jackson *Regulating Reproduction: Law, Technology, and Autonomy* (Hart, 2001)
M Laughlin *The Idea of Public Law* (OUP, 2004)
P Miller and N Rose *Governing the Present: Administering Economic, Social and Personal Life* (Polity, 2008)
N Rose *The Politics of Life Itself: Biomedicine, Power, and Subjectivity in the Twenty-First Century* (PUP, 2006)
R Kaushik Sunder *Biocapital: The Constitution of Post-genomic Life* (Duke University Press, 2006)
K Horsey and H Biggs (eds) *Human Fertilisation and Embryology: Reproducing Regulation* (Routledge Cavendish, 2006)

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LW593 European Union Law

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	80% Exam, 20% Coursework	Grief Prof N

Contact Hours

20 hours of lectures; 10 hours of seminars (approximately)

Pre-requisites

In order to take this module you must have taken LW588 Public Law 1 or LW503 Constitutional and Administrative Law. Co-requisite with LW592 Public Law 2. Students cannot take this module in the same year as LW588. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Only available to LAW students. Not available to students who have taken LW511 European Law

Availability

This module is normally recorded and may be downloaded.

Method of Assessment

80% written examination, 10% coursework consisting of 1 essay and 10% oral presentation (joint student case presentation in seminar).

Synopsis

This 15 credit spring term undergraduate law module is designed to introduce law students to foundational legal principles of the European Union (EU). It will place particular emphasis on studying the role and impact of the judicial institution of the EU, namely the Court of Justice of the EU, in interpreting the scope and effects of Union law.

This module builds on the knowledge that students acquire in Public Law 1 and Public Law 2, where they are provided with a basic introduction to the history of the EU, the main institutions of the EU and key constitutional issues arising from the supremacy of EU law. It will focus predominantly on certain aspects of EU law not addressed in Public 1 and 2, including the free movement rules underpinning the single market.

Learning Outcomes

- to have an understanding of the key aspects of the legal framework of the European Union
- to have an understanding of the main rules governing the single market
- to have an understanding of the inter-relationship between national and EU law
- to have the ability to critically evaluate foundational principles of EU law
- to have an understanding of the sources of EU law and ability to research into and use EU legal materials
- to have the ability to identify the legal issues raised in problem situations and to analyse potential legal outcomes

Preliminary Reading

J Fairhurst Law of the EU (Pearson, 7th ed, 2010)

I Ward A Critical Introduction to European Law (Cambridge, 3rd ed, 2009)

J Steiner L Woods EU Law (Oxford UP, 10th ed, 2009)

D Chalmers et al. European Union Law (Cambridge UP, 2010)

LW594 Skills in Legal Interpretation

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	Glanert Dr S
1	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	

Contact Hours

1 hour lectures and 1 hour seminar per week.

Pre-requisites

LW588

Restrictions

Not available to stage 1 students. [Please note that this module is now available to Stage 2 and 3 students!]

Method of Assessment

50% coursework (1 essay); 50% written examination.

Synopsis

90% of English cases involve a statute. For obvious reasons, it is crucial that you should know how to interpret and apply a statute. Through a series of fascinating examples both from the UK and elsewhere, this module teaches you these skills, which all employers highly value. Skills in interpretation are also very useful when you have to deal with judicial precedents. This module will make a difference on your résumé!

Learning Outcomes

Students who successfully complete this module will: be familiar with the established canons of statutory interpretation in the UK

be able to assess the impact of EU law on statutory interpretation in the UK

be conversant with influential approaches to interpretation developed in literary theory and philosophy as they pertain to statutory interpretation in the UK

be critically sensitive to the politics of statutory interpretation in the UK

Preliminary Reading

H Fenwick, G Phillipson, R Masterman (eds) Judicial Reasoning Under the UK Human Rights Act (Cambridge: Cambridge University Press, 2007)

P Goodrich Reading the Law (London: Blackwell, 1986)

F A R Bennion Understanding Common Law Legislation (Oxford: Oxford University Press, 2001)

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LW595 Access to Land

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	McGillivray Mr D

Contact Hours

10 hours lectures + 10 hours full-group seminars + 10 hours small-group seminars.

Pre-requisites

Either LW501 Property Law or LW316 Foundations of Property, and LW599 Land Law.

Restrictions

Available only to LAW students

Method of Assessment

A research task of 6000 words or an equivalent amount depending on the extent to which clinical or public legal education-related work is undertaken

Synopsis

Can you be banned from the centre of your home town even though you have done nothing wrong? (Probably yes, if you fall out with the management of a shopping centre.) Legislation in 2000 introduced a right to roam. Does this include Vixen Tor, traditionally one of the best-loved spots on Dartmoor? (At least for the moment, no.) Do European human rights give travellers special privileges to live anywhere they like? (No, but the assertion has often been made.) Could I register a village green on the Canterbury campus? This module looks critically at the rules and the context of such claims to public rights over land and has you do a piece of your own research in the area. This may include the opportunity to work with local community groups, or through the Kent Law Clinic, in advising and analysing on one of the many access issues which arise in Kent. The module builds on Foundations of Property and on Land Law to develop an advanced understanding of access issues.

Learning Outcomes

- To show a critical understanding of the rules on access to land
- To show a critical understanding of the economic, political and social implications of granting or excluding access
- To undertake guided and independent legal research

Preliminary Reading

M Shoard, This Land is Our Land (updated ed., Gaia Books, 1997)

LW596 Gender, Sexuality and Law

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	Grabham Ms E

Contact Hours

1 two hour workshop per week, 20 hours in all.

Pre-requisites

LW313 A Critical Introduction to Law and LW588 Public Law 1 are prerequisites. Previous or concurrent study of LW588 Public Law 1 and LW592 Public Law 2; LW570 Law and Social Change; LW505 Family Law; or LW578 Law and Political Theory is desirable.

Method of Assessment

40% participation based assessment, 60% term essay of 4000 words(excluding footnotes and bibliography)

Synopsis

The media is full of gender controversies: there's same-sex marriage (or not) in California, violence against women pretty well everywhere, and a whopping 17% gender pay gap in the UK. What do you think about these issues? How do you think the law should respond?

This module focuses on how law interacts with gender and sexuality. It examines, and encourages you to discuss, the interconnections between law, policy, gender, and sexuality. We will start by focusing on key concepts in feminist and queer legal theory, such as heteronormativity (the dominance of heterosexual family and social structures). We will then relate these theories to current dilemmas: same-sex marriage; transgender rights; gay refugees; diverse family formations. Finally, we tackle the really big questions. Should we use the law to change the law? Are rights really any use? What is neo-liberalism and how does this relate to gender?

Learning Outcomes

Appreciate the significance of feminist and queer theory for understanding legal and political issues such as transgender activism, same sex marriage, diverse family formations, immigration and refugee status, and welfare reform;

Appreciate the significance of, critiques of, and alternatives to, rights-based claims by activists and other social actors in gender and sexuality mobilising.

On completing this module, you will be able to:

Understand the complex relationship between law and dominant ideas about gender and sexuality;

Preliminary Reading

Why not have a look at your newspaper on a regular basis and save any articles in this area that interest you.

INCITE! Women of Colour Against Violence (2007) The Revolution will not be Funded: Beyond the Non-Profit Industrial Complex, South End Press.

M Rahman and S Jackson - Gender and Sexuality: Sociological Approaches (Polity Press 2010)

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LW597		The Law of Obligations				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	I	30 (15)	70% Exam, 30% Coursework	Laleng Mr P

Contact Hours

Lectures 40 hours; A mixture of Seminars and Case Classes - 19 hours.

Pre-requisites

LW315 Introduction to Obligations and LW316 Foundations of Property. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Available only to LAW students. Not available to students who have taken or are taking LW512 Obligations II.

Method of Assessment

The assessment pattern for this module is under review.

Synopsis

This module builds on LW315 An Introduction to Obligations by examining in more depth the grounds of liability in contract and tort. The focus on reading cases is retained with regular case classes, and this is supplemented by a focus on legislation where relevant as well as theoretical material.

Learning Outcomes

- To use the knowledge of the law gained, and of its contextual and socio-economic underpinnings, to engage with questions of policy, regulation and change, and to critically question the value of private law, and in particular litigation, as a means of social coordination and regulation.
- To develop case reading skills, including an ability to understand and critique the arguments made and which may drive the outcome of a case, as well as policy and other considerations that may affect outcomes of case.
- To use historical, socio-economic and philosophical materials to evaluate legal solutions in terms of their consequences and theoretical coherence.
- To acquire a clear understanding of the main types of legal obligation arising from the law of contract, tort and restitution and of the principles and rules of those areas of law.

Preliminary Reading

C Harlow Understanding Tort Law (Sweet and Maxwell, 3rd ed., 2005)

T Weir An Introduction to Tort Law (OUP, 2nd ed., 2006)

L Mulcahy Contract Law in Perspective (Routledge, 5th ed., 2008)

J Adams, & R Brownsword, Understanding Contract Law (Sweet & Maxwell 5th ed., 2007)

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LW598 Equity and Trusts

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	70% Exam, 30% Coursework	Drakopoulou Ms M

Contact Hours

Lectures 20 hours; seminars 10 hours.

Pre-requisites

LW316 Foundations of Property. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Available only to LAW students. Not available to students who have taken or are taking LW513 Equity and Trusts.

Method of Assessment

30% coursework, consisting of 1 piece of written work of 2000 words, and a 2 hour written examination.

Synopsis

This module, normally taken in Stage 2, introduces the student to the main principles and doctrines of equity and trusts. It is designed to challenge the somewhat dull image of this area of law and to encourage a critical and imaginative understanding of the subject. The law of equity and trusts is contextualized within a historical, social and jurisprudential inquiry thereby providing a much wider range of possible interpretations of its development and application. What then becomes central to the module's approach is the complex interrelation of law with ethical, political, economic and jurisprudential considerations, and that between legal outcomes, pragmatic concerns and policy objectives.

Drawing upon the student's experience of the study of law, in particular that gained from Foundations of Property Law and Property Law, this module examines the trust both as a private legal institution (the trust in family and commercial settings) and a public one (the charitable trust), placing special emphasis on the management of the trust and the powers, duties and obligations of the trustee. Yet in departing from conventional approaches this module does not study equity merely in regards to its role as the original creator of the trust. Equity is instead acknowledged to be what it really is - a vital and fruitful component of the English legal system; a distinct form of legal interpretation possessing its own principles and method of legal reasoning, and comprising an original and continuing source of legal development in the sphere of remedies.

Learning Outcomes

To build on existing knowledge of the inter-action between common law and equity.

To place the development of the jurisprudence of equity and trusts in a social, political and economic context.

An introduction to aspects of the procedure and practice of Equity and Trusts.

To gain a sound grounding in the concepts, principles and rules relating to Equity and Trusts.

To explore the development and current state of the law of Equity and Trusts from a comparative perspective.

To engage in a critical discussion of the problems and advantages of using Equity and Trusts and evaluate their use in the context of other legal strategies(eg restitution)

Preliminary Reading

S Degeling, and J Edelman, (eds.), Equity in Commercial Law (Sydney: Law Book co, 2005)

S Gardner Introduction to the Law of Trusts (Oxford: Oxford University Press, 2003)

G Moffat Trust Law: Texts and Materials (Cambridge: Cambridge University Press, 2009)

S Worthington Equity (Oxford: Oxford University Press, 2006)

LW599 Land Law

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	I	15 (7.5)	50% Coursework, 50% Exam	Jackson Mr N

Contact Hours

10 hours seminars, 10 hours lectures and 10 hours moderation of online work.

Pre-requisites

LW316 Foundations of Property. Only available to students following a Law programme of study (either single or joint honours).

Restrictions

Available only to LAW students. Not available to students who have taken or are taking LW501 Property Law.

Synopsis

The focus of the module is private property in English land: title by registration; squatting; owner-occupation; leases; covenants and land development. It builds on the Foundations of Property module to develop an in-depth understanding of English land law, its conception of property and its politics and effects. And it gives experience in how to advise clients on land law problems – and on how to avoid problems for clients.

Learning Outcomes

- A good doctrinal and critical understanding of land law
- Ability to solve and to avoid land law problems for clients.

Preliminary Reading

A Minton – Ground Control (Penguin 2009)

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LW600	Law, Science and Technology					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	

Contact Hours

20 hours contact time.

Pre-requisites

LW588 Public Law 1 and LW592 Public Law 2.

Method of Assessment

100% coursework consisting of an oral presentation and supplementary research worth 50% and a 4500 word essay worth 50%.

Synopsis

Many different contemporary approaches to the study of law begin with a critical analysis of positivist conceptions of law. Law, like Science, has become an object to be excavated. What practices constitute Law and Science as phenomena in the world? How can Law (or Science) be understood as a set of processes and relationships rather than as a coherent, cohesive institution that offers predictable outcomes, certainty, and truth? How does our understanding of Law and Science impact our views of some of the most pressing legal-political problems currently facing us? In this module, we will explore these questions through critical theory (drawing on Law and Anthropology literature, and Science and Technology Studies), and concrete issues that intersect law, science and politics, including: the debate over genetically modified foods, reproductive technologies, and climate change.

This module is likely to be of interest to those students who particularly enjoyed LW592 Public Law II.

Learning Outcomes

Upon completing the module, students should be able to: Demonstrate an understanding of science and technology studies literature and its applicability to legal studies.

Critically evaluate current legal-scientific debates within historical, socio-economic contexts:

Demonstrate a thorough knowledge of key texts in science and technology studies, actor-network theory and law and anthropology:

Articulate orally a sound theoretical and practical understanding of key legal-scientific debates and issues:

Express an awareness of, and sensitivity to, the economic, political and/or social implications that arise from different understandings of how scientific and legal facts are constituted.

Preliminary Reading

B Latour, *Reassembling the Social: An Introduction to Actor-Network Theory* (Oxford: OUP, 2005)

B Latour, *The Making of Law: An Ethnography of the Conseil d'Etat* (Cambridge: Polity Press, 2010)

A Pottage and M. Mundy eds. *Law, anthropology and the constitution of the social: the making of persons and things* (Cambridge: Cambridge University Press, 2004)

Sunder Rajan, *Kaushik Biocapital: The Constitution of Post-Genomic Life* (Durham: Duke University Press, 2006)

C Waldy and R Mitchell, *Tissue Economies: Blood, Organs and Cell Lines in Late Capitalism* (Durham: Duke University Press, 2006)

S Franklin, *Dolly Mixtures: The Remaking of Genealogies* (Durham: Duke University Press, 2007)

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LW601	Advanced Level Criminal Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Exam	

Contact Hours

Two lectures per week, and a 2 hour fortnightly seminar.

Availability

This module is available to all students following a Law programme who take Criminal Law in stages 2 or 3 of their degree. This module is not available to students who have taken LW508.

Method of Assessment

There are two alternative assessment patterns: Path A and Path B.

Path A - A dissertation of 10000-11000 words worth 70%, a problem question worth 20% and an oral presentation worth 10%.

Path B - 50% Coursework consisting of a problem question worth 20%, an essay of 3500-4000 words worth 20% and an oral presentation worth 10% and 50% examination.

Synopsis

While the curriculum for LW508 Criminal Law Level I and LW601 Advanced Criminal Law Level H is by and large the same in that the same topics are considered, students following the course at level H will consider each discrete topic to a much greater depth making use of, and improving, skills developed in earlier years of their degree programme.

The module is structured to provide students with the opportunity to explore the major issues in criminal law through class presentation, through consideration of essay style topics and to engage in critical analysis of topics by considering criminal law problem questions. Students will be expected to discuss particular issues of criminal law and their implications for a wider social context. At the commencement of the module students are provided with a Seminar Workbook which outlines the weekly seminar topic and task.

Learning Outcomes

Have a thorough understanding of the wider debate in respect of the place of criminal law in the social context, the definitions of harm and the boundaries of criminal law

Be able to engage in practical application of their knowledge, through consideration of complex criminal law problem questions, and encourage critical debate of the issues raised

Have an excellent understanding of the concepts, principles and rules of criminal law considered in this module

Have a sound knowledge of the major theoretical debates in the criminal law field

Have the ability to critically analyse complex given situations and apply legal principles and case law to assess criminal liability and any defences

On presentation of case facts, be able to identify relevant legal rules, principles and case and statute law applicable for analysis and critique of the facts

Be able to independently research and discuss the major areas of criminal law, making appropriate reference to legal and academic source authorities

Be able to evaluate the operation of the criminal law in the social context making use of a range of sources, demonstrating independent and critical thinking appropriate to the study of criminal law at a higher level

Have the ability to engage in reasoned and informed discussion on the major areas of criminal law both orally, and in writing at a level appropriate to the study of criminal law at a higher level

Students who successfully complete this module will:

Have a sound grounding in the concepts, principles and rules of criminal offences; in particular the law relating to murder/manslaughter, non-fatal offences, defences, and theft and fraud

Preliminary Reading

N Lacey, C Wells, & O Quick, *Reconstructing Criminal Law* 4th Edition, Cambridge University Press, 2010

A Ashworth, *Principles of Criminal Law*, Oxford University Press 6th ed, 2009.

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LW603		Race, Religion and Law				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Project, 20% Coursework	

Contact Hours

2 hour weekly seminars.

Availability

Not available 2012/13.

Method of Assessment

Coursework consisting of a 2000 word essay outline worth 20% and a 5000 word research essay worth 80%. (There is also an oral presentation of research findings (not graded, formative feedback only)

Synopsis

Weeks 1-6: Theoretical perspectives on race, religion, and ethnicity as concepts; case studies in the social and legal history of race and religion; overview of contemporary legal regulation of these categories in UK law

Weeks 7-12: Contemporary case studies; research training

Weeks 13- 24: Student presentations of works-in-progress

Learning Outcomes

Understand the complex relationship between law and dominant concepts of race and religion

Appreciate the significance of critical race, postcolonial, feminist, and critical religion theories for understanding contemporary social and legal issues to do with race and religion

Appreciate the significance of a grounding in social and legal histories of race and religion in order to understand contemporary formations

Identify the wide range of influences on legal discourse, policy, and law-making in relation to race and religion, including concepts from political theory, postcolonial theory, and the humanities and social sciences more broadly

Appreciate the intersections of concepts of race and religion with concepts of gender, sexuality, class, and disability

Preliminary Reading

E Darian-Smith Religion, Race, Rights: Landmarks in the History of Anglo-American Law (Hart, 2010)

M Hickman (1998), 'Reconstructing Deconstructing 'Race': British Political Discourses about the Irish in Britain', 21(2) Ethnic and Racial Studies 288-307

E Said Orientalism (Vintage, 1979)

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LW604	Morality and Law					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	

Contact Hours

20 hours, 10 x 2 hour lecture/seminar.

Method of Assessment

100% coursework consisting of an oral presentation worth 40% and a 3500 word essay worth 60%.

Synopsis

This course will give students the opportunity to explore the ways in which morality has been understood and theorised and then to trace the development of a particular moral concept (namely, that of individual rights), that is central to legal discourse today. The methodology will be historical/contextual as well as theoretical/analytical. We will look at the way in which the idea of individual rights arose (and continues to develop) in a philosophical, political and historical context and we will examine and critically evaluate modern theories of rights and their relationship to law. The concept of a right is deceptively simple. When examined closely it gives rise to all sorts of questions and problems including, for example: how is the idea of a right justified? What is its relationship to the older idea of liberty? Can it survive the discrediting of theories of natural rights tied to natural law? Can it stand alone as a moral concept or is it merely the 'other side' of a duty?

Block 1: A critical introduction to the major theories of moral philosophy: virtue theory, duty based (deontological) Kantian theory and consequentialism (utilitarianism).

Block 2: A historical/contextual examination of the development of a particular moral concept; that of individual rights.

Block 3: Oral presentations by students in pairs.

Block 4: An analytical examination and critique of modern theories of rights and their relationship to law (incl. 'interest' and 'will' theories and the legal analysis of Wesley Hohfeld)

Learning Outcomes

Students who successfully complete this course will:

Understand the historical development of a key moral and political concept and its complex relationship to law

Be able to analyse, evaluate and criticise the arguments that are used to justify, defend and attack the notion of individual rights

Be able to critically evaluate and analyse the ways in which rights have been understood and incorporated into law

Demonstrate an understanding of the ways in which theories of rights intersect law, moral philosophy and political theory

Demonstrate oral skills of discussion and argument

Preliminary Reading

There is no set preliminary reading but you might like to look at any of the following:

N E Simmonds Central Issues in Jurisprudence: Justice, Law and Rights 2nd ed (Sweet and Maxwell, 2002)

Aristotle The Nicomachean Ethics, any edition

J Stuart Mill Utilitarianism, any edition

J Locke The Second Treatise of Government, any edition

The American Declaration of Independence

United Nations, Universal Declaration of Human Rights, 1948

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LW605 Researching Concepts: Theory, Knowledge and Fieldwork						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	100% Coursework	

Contact Hours

2 hour weekly seminars (term 1) + 2 hour fortnightly seminars (term 2) + 2 hours individual supervision (1 hour each term)

Method of Assessment

100% coursework consisting of a 2,000 word essay on preliminary research decisions re: proposed investigation (20%) (end of term 1), oral presentation of research findings and analysis (10%); feedback to other students on their oral presentations (5%) (term 2) and a 5,000 word research essay (65%) (end of term 2)

Synopsis

In this module, students will design and undertake, with guidance, their own field (empirical) research to address questions such as: how are specific socio-legal concepts (such as equality, power, harm, rights, property, care) understood, and actualised within a particular researched community, organisation or other site (eg, a family, NGO, local government department, club, university class).

Projects may also use and develop concepts as (external) interpretive structures through which to make sense of social practices, experiences, and legal cultures. This module will be of value to students interested in theory, in carrying out independent research, in working with an organisation (or other research site), and for those interested in continuing on to do postgraduate research.

The module is organised in four parts, two in each term. Part A (in term 1) focuses on what conceptual theorising and analysis entail, as well as exploring the assumptions relating to knowledge and truth underpinning different approaches to research. Part B (in term 1) centres on the practical aspects of organising and conducting field research, introducing different socio-legal qualitative methodologies, alongside practical issues such as gaining ethical approval. Part C (in term 2) focuses on the field research projects individual students in the class are carrying out. Through seminars and readings, the class will address the practical and intellectual challenges that arise in carrying out small, contained field research projects. Part D (in term 2) addresses the process of how to analyse and interpret data.

Learning Outcomes

To develop an in depth understanding of concepts and the debates surrounding different ways of approaching them – both abstractly (what is a concept) and in relation to specific concepts

To have a critical understanding of key sociolegal concepts and a detailed, in depth, knowledge of a particular concept – theoretically and empirically

To know and understand some of the main qualitative approaches to sociolegal empirical research, and to understand the strengths and weaknesses of different approaches

To have experience and understanding of conducting sociolegal field research, analysing data, and communicating in written and oral form

To have an understanding of the relationship between qualitative methodologies and core epistemological debates

To have a deeper knowledge and understanding of the relationship between theoretical ideas and empirical research

Preliminary Reading

M McConville and WH Chui Research methods for law, 2007, Edinburgh University Press, Edinburgh

M Hammersley Ethnography: Principles in practice, 2009, Routledge, London

P Patton Deleuzian concepts, 2010, Stanford University Press, CA

K Charmaz and A Bryant The Sage handbook of grounded theory, 2010, Sage, London

N Naples Feminism and method, 2003, Routledge, NY

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LW606 Criminal Law and Society, 1860-1914

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	70% Exam, 30% Coursework	

Contact Hours

2 hour weekly combined lecture/seminar.

Pre-requisites

Students will normally be expected to have studied LW508 Criminal Law, or to have studied or to be studying LW601 Advanced Criminal Law.

Availability

Not available 2012/13 or 2013/14

Method of Assessment

A written examination worth 70% and a 3000 word written assignment worth 30%. A 100% dissertation of 8000 words is available. Contact KLS Undergraduate Office, or access Moodle, for details.

Synopsis

This course explores topics in the history of criminal law, 1860-1914. The topics include patterns of crime and moral panics during this period; criminal law and evidence; policing and the rise of the detective; homicide, the law of murder and the rise of Victorian "sensationalism"; capital punishment; men, masculinity, violence and the criminal law; women, infanticide and crime; and insanity law in the nineteenth century.

Learning Outcomes

To identify the variety of legal, historical and cultural/literary sources relevant to the course in order to recognise both the relationship between law and the historical, socio-economic and political contexts in which it operates, and various explanatory theoretical perspectives that can be applied

To identify contemporary debates on the pattern of crime and on the enforcement of criminal law and evidence, 1860-1914, and to research and critically evaluate such debates

To identify how major areas of criminal law were addressed in literary and cultural sources between 1860 and 1914, and to research and critically evaluate such sources

To identify the relationship between all of the above and contemporary debates on blameworthiness, legal culpability and capital punishment

Preliminary Reading

M J Wiener Men of Blood: Violence, Manliness and Criminal Justice in Victorian England (Cambridge UK: Cambridge University Press, 2004)

S. D'Cruze (ed) Everyday Violence in Britain 1850-1950 (Harlow, England Longman, 2000)

R D Altick Victorian Studies in Scarlet (Dent, 1972)

B Godfrey and P Lawrence Crime and Justice, 1750-1950 (Collumpton: Willan 2005)

Mary S Hartman Victorian Murderesses (London Robson, 1977)

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LW607 Crime and Law Enforcement 1918-1965

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	70% Exam, 30% Coursework	Rubin Prof G

Contact Hours

2 hour weekly combined lecture/seminar.

Pre-requisites

Students will normally be expected to have studied LW508 Criminal Law or to have studied or to be studying LW601 Advanced Criminal Law.

Availability

Spring 2012/13

Method of Assessment

A written examination worth 70% and a written assignment of 3000 words worth 30%. An optional 100% dissertation of 8000 words is available. Contact KLS Undergraduate Office, or access Moodle, for details.

Synopsis

This course explores topics in the history of crime and law enforcement, 1918-1965. The topics include patterns of crime and moral panics during this period; criminal law, courts and prosecuting institutions; policing and the detective; murder and the capital punishment controversy; insanity and irresistible impulse; the inter-war years of criminal law: a dark age or institutional improvements? criminal law concerns in the inter-war years including gangs, gambling, middle-class traffic crime, police corruption and night clubs; delinquency and juvenile justice; Lord Goddard and the post-war era of criminal justice; Timothy Evans, Derek Bentley and the successful campaign to abolish capital punishment in 1965.

Learning Outcomes

To identify the variety of legal, historical and cultural/literary sources relevant to the course in order to recognise both the relationship between law and the historical, socio-economic and political contexts in which it operates, and various explanatory theoretical perspectives that can be applied

To identify contemporary debates on the pattern of crime and on the enforcement of criminal law and evidence, 1918-1965, and to research and critically evaluate such debates

To identify how major areas of crime and criminal law were addressed in literary and cultural sources between 1918 and 1965, and to research and critically evaluate such sources

To identify the relationship between all of the above and contemporary debates on blameworthiness, legal culpability and capital punishment

Preliminary Reading

P Rawlings Crime and Power: A History of Criminal Justice, 1688-1988 (London:Longman, 1999)

S D'Cruze (ed) Everyday Violence in Britain, 1850-1950: Gender and Class (Pearson Education Limited, 2000)

J Morton Gangland (Little, Brown Book Group Sphere, 2006)

A Ballinger Dead Woman Walking (Aldershot: Ashgate/Dartmouth, 2000)

G R Rubin. "Calling in the Met: Serious Crime Investigation Involving Scotland Yard and Provincial Police Forces in England and Wales, 1906-1939", Legal Studies, (2011).

C A Williams (ed) Police and Policing in the 20th Century (Farnham:Ashgate, 2011)

C Emsley Hard Men: The English and Violence since 1750 (London: Hambledon and London, 2005)

LW608 Law in Action

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	Hunter Prof R

Contact Hours

20 hours seminars

Method of Assessment

100% coursework (5000 words total) consisting of 4 short pieces of formative assessment and 2 graded essays worth 30% and 70%.

Synopsis

The title of the module refers to the classic distinction between 'law in the books' and 'law in action'. It is important that students have some understanding not only of what law says but also what it does: how it operates in practice, how law, legal institutions, legal personnel and associated phenomena impact on people's thinking and behaviour, and how, in turn, law, legal institutions, legal personnel and associated phenomena are shaped and influenced by social, economic and political factors. The aim of this module is to introduce students to the kinds of questions that may be asked about the law in action, the kinds of research methods that may be used to answer those questions, including surveys, interviews, observations, file analysis and the empirical analysis of legal texts, and the reflective and critical approach that ought to be taken to the conduct and evaluation of socio-legal research.

Learning Outcomes

By the end of the module, students will have acquired:

knowledge and understanding of and ability to apply a range of empirical research methods to the study of law in action
the ability to study the operation of law in practice

knowledge and understanding of and ability to apply key concepts, theories and research findings in socio-legal studies
the ability to take a reflective and critical approach to empirical data and socio-legal research.

Preliminary Reading

M Travers Understanding Law and Society (Routledge, 2010)

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LW611		Law Dissertation Autumn Option				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	15 (7.5)	100% Project	

LW615		Neuroscience in Law: Forensic, Medical and Ethical Aspects				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	

Contact Hours

20 hours of lectures/ seminars approximately.

Method of Assessment

A dissertation of 7000 words.

Synopsis

Neuroscientific findings on different brain/bodily states provide contested evidence for forensic, ethical and medical conceptualisations and decisions. They disrupt settled ethicolegal understandings, such as conceptions of autonomy, free will, criminal responsibility, decision-making capacity, mental health, futility of treatment, personhood and end of life issues. Critical legal analysis must be applied to the interface between forensic diagnoses, neurodegenerative conditions, acquired brain injury, criminal responsibility, detention and medical treatment. Allied ethicolegal questions as to whether the law should support our cognitive liberty to enhance our minds debates over cognitive liberty and the clinical treatment of different states of consciousness such as minimally conscious/persistent vegetative states, are placed within contexts of wider social disagreements over unlawful psychoactive substance use, assisted dying and organ transplantation.

Learning Outcomes

to identify the relationship between the law associated with neuroscience and the biotechnological, historical, socio-economic and political contexts in which it operates

to identify contemporary debates on the forensic, medical and ethical implications of neuroscience for legal decision-making and to research and critically evaluate such debates

to identify how forensic, medicolegal and ethical sources have framed neuroscience as evidence to influence law and policy and to research and critically evaluate such sources

to identify the relationship between all of the above and contemporary debates on how neuro-differences should affect (a) forensic and ethicolegal ascriptions of blameworthiness, responsibility, and culpability as these relate to diagnoses, eg psychopathy, autism spectrum, addiction; (b) medicolegal ascriptions of decision-making capacity, clinical decisions over withholding/withdrawal of treatment and medical interventions to alter neurofunctionality, eg patients in minimally conscious/persistent vegetative states, neurorehabilitation for traumatic brain injury, deep brain stimulation for movement and mental disorders; (c) ethicolegal issues over cognitive liberty and neuroenhancement (d) end of life decision-making

Preliminary Reading

M. Freeman, Law and the brain. Oxford University Press, 2011.

M. Freeman and O. Goodenough, Law, mind and Brain, Oxford University Press, 2007.

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LW616 Law and International Development

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	

Contact Hours

One 2 hour combined lecture/seminar per week.

Pre-requisites

LW313 and LW588.

Restrictions

This module is only available to Law students.

Method of Assessment

100% coursework consisting of class participation worth 10%, class presentation worth 15%, take home exam worth 25% and an essay worth 50%.

Synopsis

Law is increasingly central to debates about international development. In this course we will critically explore what development means, and we will examine different approaches to understanding the role that law plays in achieving development. Weeks 1-4 will introduce theories of development, the main international development institutions and the international context in which they developed, and different approaches to law and development. Weeks 5-10 will cover specific topics in law and development, including (but not limited to) campaigns to secure a right to development; land reform; poverty and aid; gender issues in law and development; law-building in post-conflict contexts; creating legal institutions; corruption and development; and the relationship between human rights and rule of law in development debates.

Learning Outcomes

Students who successfully complete the module will have the ability to:

understand the theoretical debates and academic controversies surrounding the relationship between law and democratization
identify and critically analyse the major doctrines and policies directing current international institutions in their efforts to build rule of law and good governance in developing countries

understand the historical and ideological underpinnings of Western legal thought and international policy in the field of law and development

understand the current academic and policy disputes regarding the role of law in efforts to establish accountability for human rights abuses in post-conflict countries

place issues of law and development in their proper political, economic and social contexts

Preliminary Reading

Perry-Kessaris, Amanda (ed). 2010. Law in the Pursuit of Development: Principles into Practice? London: Routledge

LW617 Legal Ethics: Exploring the Ethics of Lawyers and Lawyering

Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	

Contact Hours

10 two hour combined lecture/seminars.

Method of Assessment

100% coursework consisting of a 3,000 word essay worth 80% and a mark for seminar participation worth 20%.

Synopsis

This course will give students the opportunity to explore the ways in which moral reasoning can inform the study and practice of lawyering. Students will be asked to think and argue about the (possible) moral dimension of the practice of law. The course will include a theoretical component during which we will explore ways in which we might justify (or deny) a moral dimension to the practice of law. In the practical component we will use case studies (including that of the US government lawyers who provided legal justifications for the use of torture on 'War on Terror' prisoners). This case study and others will be used to discuss and debate issues in legal ethics, broadly conceived. The methodology will combine theoretical discussion of the principles that should inform the notion of legal ethics with analysis and discussion of actual moral and ethical dilemmas faced by lawyers and their resolution.

Block 1: Why Legal Ethics? An exploration of the moral reasoning and arguments behind the idea of 'legal ethics'. Do lawyers have moral responsibilities as well as legal ones?

Block 2: Case studies and the ethical issues they raise. Answers to moral questions and dilemmas in legal practice.

Block 3: The final two seminars will be given over to student presentations. Each student will present an ethical problem or dilemma from legal practice and argue for a proposed solution/resolution.

Learning Outcomes

Students who successfully complete this course will:

Understand the principles behind legal ethics and be familiar with a broad range of ethical issues raised by the practice of law.

Analyse and engage with arguments about lawyers' moral responsibilities and moral role(s)

Be aware of and be able to predict the ethical issues that typically arise from various legal scenarios and outcomes

Analyse and discuss alternative responses to ethical dilemmas and problems that arise in legal practice

Use case studies to analyse and critically evaluate the responses of lawyers to ethical dilemmas and questions.

Preliminary Reading

D Luban, Legal Ethics and Human Dignity, CUP 2007

D Markovits, A Modern Legal Ethics: Adversary Advocacy in a Democratic Age, PUP 2010

V Vuletic, and N Miller, The Law, Principles and Practice of Legal Ethics, 1st edn.