

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	Laleng Mr P

**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.

**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)

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

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

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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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 identify, evaluate and critique the foundational components carried within the idea of 'property'.
- 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.

### 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.

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW318 Introduction to German Constitutional Law</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	C	0 (0)	Pass/Fail Only	White Dr W

### **Contact Hours**

20 hours over the year.

### **Restrictions**

Not available to choose via Online Module Registration.

### **Availability**

Only available to students on the LLB English and German Law programme.

### **Method of Assessment**

This module is not part of the formal 120 credit diet for Stage 1, therefore assessments do not formally 'count' for the degree. This module represents extra learning for students on the degree programme.

The module convenor will assess students level of performance as demonstrated by their attendance, level of preparation for, and participation in seminars and at least one piece of written work of 1500 – 2000 words. Students oral legal language skills will be assessed as part of seminar participation. Students who do not demonstrate the appropriate level of performance will not be deemed to have passed the module and will therefore not be permitted to proceed to a year abroad. Students who do not pass the module and are therefore not permitted to proceed to the year abroad, will have their programme of study changed to LLB Law.

### **Learning Outcomes**

To introduce students to the German legal system

To provide a sound grounding in aspects of German Constitutional law

To introduce students to methods of assessment used in German universities, in preparation for the year of study abroad

To introduce students to relevant legal terminology in the German language

<b>LW320 Introduction to Italian Constitutional Law</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	C	0 (0)	Pass/Fail Only	Roccia Mr M

### **Contact Hours**

20 hours over the year.

### **Restrictions**

Not available to choose via Online Module Registration.

### **Availability**

Only available to students on the LLB English and Italian Law programme.

### **Method of Assessment**

This module is not part of the formal 120 credit diet for Stage 1, therefore assessments do not formally 'count' for the degree. This module represents extra learning for students on the degree programme.

The module convenor will assess students level of performance as demonstrated by their attendance, level of preparation for, and participation in seminars and at least one piece of written work of 1500 – 2000 words. Students oral legal language skills will be assessed as part of seminar participation. Students who do not demonstrate the appropriate level of performance will not be deemed to have passed the module and will therefore not be permitted to proceed to a year abroad. Students who do not pass the module and are therefore not permitted to proceed to the year abroad, will have their programme of study changed to LLB Law.

### **Synopsis**

The module provides an introduction to Italian Constitutional law including elements of practice and procedure.

### **Learning Outcomes**

To provide a sound grounding in aspects of Italian Constitutional law

To introduce students to methods of assessment used in Italian universities, in preparation for the year of study abroad

To introduce students to relevant legal terminology in the Italian language

### **Preliminary Reading**

To introduce students to the Italian legal system

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW322</b>		<b>Introduction to Spanish Constitutional Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	C	0 (0)	Pass/Fail Only	Prieto-Acosta Ms M

### Contact Hours

20 hours over the year.

### Restrictions

Not available to choose via Online Module Registration.

### Availability

Only available to students on the LLB English and Spanish Law programme.

### Method of Assessment

This module is not part of the formal 120 credit diet for Stage 1, therefore assessments do not formally 'count' for the degree. This module represents extra learning for students on the degree programme.

The module convenor will assess students level of performance as demonstrated by their attendance, level of preparation for, and participation in seminars and at least one piece of written work of 1500 – 2000 words. Students oral legal language skills will be assessed as part of seminar participation. Students who do not demonstrate the appropriate level of performance will not be deemed to have passed the module and will therefore not be permitted to proceed to a year abroad. Students who do not pass the module and are therefore not permitted to proceed to the year abroad, will have their programme of study changed to LLB Law.

### Synopsis

The module provides an introduction to Spanish Constitutional law including elements of practice and procedure.

### Learning Outcomes

To introduce students to the Spanish legal system

To provide a sound grounding in aspects of Spanish Constitutional law

To introduce students to methods of assessment used in Spanish universities, in preparation for the year of study abroad

To introduce students to relevant legal terminology in the Spanish language

<b>LW505</b>		<b>The Family and the Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Barker Dr N

### Contact Hours

1 one hour introductory lecture plus 4 two-hour consolidation lectures. The remainder will be large group seminars of two hours (combined lecture, seminars). There will be 15 of these sessions.

### Restrictions

This module is subject to quota.

### Availability

This module is normally only available to final year students. Stage 2 students may be admitted with the permission of the module convenor.

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 (participation mark).

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW506</b>		<b>International Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Lewis-Anthony Ms S

### Contact Hours

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

### Restrictions

This module is subject to quota.

### 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).

### 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

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)

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

V Lowe - International Law (OUP, 2007)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW509 Human Rights and English Law</b>						
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 20%, 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)

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

### 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

Not available 2013/14. Please see LW598 for 15 credit version.

### 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

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

H Berman *Law and Revolution* (Harvard, 1983)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW514</b>		<b>Labour Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Kerner Ms L

### Contact Hours

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

### Restrictions

This module is subject to quota.

### 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.

### 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

ACL Davies - Perspectives on Labour Law (2nd ed. CUP)

N Bamforth et al - Discrimination Law; Theory & Context (Sweet & Maxwell)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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

### Contact Hours

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

### Restrictions

This module is only available to Law students (single or joint honours). This module is subject to quota.

### 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.

### Synopsis

The module focuses on aspects of the law and practice of international business transactions and the legal regulation of the relationship between buyers and sellers in different legal jurisdictions. These include the legal rules governing export sales, international sale of goods, their transportation, finance of transnational trade and their insurance implications, dispute mechanisms and settlement. Although the main focus will remain on English law, two important recent trends, the global integration of international trade law and the influence of EC law on the field of international business transactions will be given due weight. Attention will be given to critical perspectives such as the debate over a new *lex mercatoria*, international commercial arbitration and alternative dispute resolution techniques, as well as the emergence of a complex web of international rules and obligations governing transactions concerning transportation and carriage of goods by sea.

### Learning Outcomes

- 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.
- 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.

### Preliminary Reading

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

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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW518</b>		<b>The Law of Evidence</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	50% Coursework, 50% Exam	Uglow Prof S

### Contact Hours

One hour lecture, one hour case class and one hour seminar 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)

<b>LW519</b>		<b>Law and Medical Ethics</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Exam, 20% Coursework	Mackenzie Dr R

### Contact Hours

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

### Restrictions

This module is subject to quota.

### 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 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.
- the structures of liability within medical law and the health care professional/patient relationship

### Preliminary Reading

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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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 is subject to quota.

### Availability

This module is normally recorded and may be downloaded.

### Method of Assessment

80% written examination and 20% coursework consisting of 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

B Pettet Company Law (Pearson, 4th ed, 2012)

P L Davies Gower & Davies Principles of Modern Company Law, 9th Edition (Sweet & Maxwell, 2012)

J Lowry & A Dignam Company Law (OUP, 4th ed 2012)

LS Sealy Cases and Materials in Company Law (Butterworths, 9th ed, 2012)

J Parkinson Corporate Power and Responsibility (Clarendon, 1993)

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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW522</b>		<b>Comparative Law</b>				
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.

### Availability

Not available 2013/14.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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)

### Restrictions

This module is subject to quota.

### 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

LW539 Droit Civil is compulsory for students enrolled in the 'English and French Law' programme and open to students studying 'Law' or 'Law with a Language (French)'. All students must have previously taken LW567 Droit constitutionnel et Administratif.

### Method of Assessment

80% written examination and 20% coursework (4 essays taking the form of either a 'dissertation' or 'commentaire d'arrêt', plus 1 mark for two oral presentations).

### 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 the legislator and judges to effect change in response to social, economic and ideological changes; particular attention will be given to the law of obligations (i.e., contract and liability); and (2) to develop students' skills in presenting legal essays and opinions on court rulings according to the French legal 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW540</b>		<b>The Philosophy of Law</b>				
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)

<b>LW541</b>		<b>Legal History</b>				
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

### Availability

Not available 2013/14.

### 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 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
- to develop an understanding of legal history; its methodologies, sources and principles

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW542</b>		<b>Policing</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	50% Coursework, 50% Exam	Conway Dr V

### 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)

<b>LW543</b>		<b>Clinical Option: Legal Process and Public Legal Services</b>				
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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<b>LW544</b>		<b>Punishment and the Penal System</b>				
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

### **Restrictions**

This module is subject to quota.

### **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.

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<b>LW551</b>		<b>Law and Literature</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	80% Project, 20% Coursework	

### Contact Hours

20 contact hours (combined 2-hour lecture seminar)

### Availability

Not available 2013/14. Please see LW581 for the 15 credit version.

### 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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW552</b>		<b>European Legal Systems</b>				
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-covered 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)

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

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

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

### Contact Hours

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

### Availability

Not available 2013/14. Please see LW582 for the 15 credit version.

### 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

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)

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

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

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<b>LW556 Intellectual Property Law</b>						
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

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

J Davis Intellectual Property Law (Butterworths, 4th ed, 2012)

<b>LW563 Law - Dissertation</b>						
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 and aslo a 2:1 in the Public Law 2 special study assessment.

### Availability

Only available to stage 3 students (some exceptions may be made in certain circumstances for example senior status students) and only available to those who have achieved at least 2:1 in Public Law 2 Special Study. Not available to non law students.

### Method of Assessment

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

### 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 2:1 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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<b>LW566</b>		<b>Law Dissertation (1 unit option)</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Project	Bottomley Ms A

### Contact Hours

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

### Pre-requisites

A 2:1 in LW592 Public Law 2 special study (students going into stage 3 or 4) or a Merit overall at stage 1 (students going into stage 2).

### Availability

Available to stage 2 and 3 students. For stage 2 students this is only available to those who have achieved a merit at stage 1 (some exceptions may be made in certain circumstances for example senior status students). For stage 3 or 4 students this is only available to those who have achieved at least 2:1 in Public Law 2 Special Study. Not available to non law students.

### Method of Assessment

100% dissertation of 8000 words (due at the beginning of the summer term).

### 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 2 and 3 students taking single or combined honours law programmes. Stage 2 students achieving a result lower than a merit in stage 2 or for those in stage 3 or 4 achieving a mark lower than a 2:1 in Public Law 2 special study 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

<b>LW570</b>		<b>Law and Social Change</b>				
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	

### 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. Not available 2013/14.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW572 Immigration Asylum &amp; Nationality Law</b>						
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 (5th ed, Oxford University Press, 2012)  
Macdonald's Immigration Law and Practice (8th Ed, Butterworths 2010)

<b>LW574 Law Year Abroad Mark One</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	60 (30)	100% Coursework	

### Restrictions

Only available to Law students on a programme that incorporates a year abroad and is not available to choose via Online Module Registration.  
Please refer to the handbook for more information.

<b>LW575 Law Year Abroad Mark Two</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	60 (30)	100% Coursework	

### Restrictions

Only available to Law students on a programme that incorporates a year abroad and is not available to choose via Online Module Registration.  
Please refer to the handbook for more information.

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW579 The Law &amp; the Media: Freedom of Expression as it relates to the Media</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Medway	Autumn and Spring	H	30 (15)	70% Exam, 30% Coursework	Phippen Mrs L

### 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)

<b>LW580 Consumer Law</b>						
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.

### Restrictions

This module is subject to quota.

### 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 an appreciation of the role of consumer law and policy within the "new regulatory state" in the UK.
- 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.

### 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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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

### Contact Hours

20 contact hours (combined 2-hour lecture seminar)

### 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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW582</b>		<b>Banking Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	Wong Dr S

### Contact Hours

10 hours of lectures; 5 hours of seminars (approximately)

### Method of Assessment

100% coursework consisting of a problem question and an essay.

### 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 be able to analyse and critically evaluate the relationship between banking and the law.
- to have knowledge of banking operations, including the provision of finance, the taking and enforcement of security for advances
- 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)  
 J Wadsley & GA Penn The Law Relating to Domestic Banking (Sweet & Maxwell, 2nd ed., 2000)  
 R Cranston Principles of Banking Law (OUP, 2nd ed. 2002)  
 W Clarke How the City of London Works (Sweet & Maxwell, 7th end., 2008)  
 EP Ellinger, E Lomnicka & CVM Hare, Ellinger's Modern Banking Law (OUP, 5th end., 2011)

<b>LW583</b>		<b>Art Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	70% Exam, 30% Coursework	Vigneron Dr S

### Contact Hours

20 hours of lectures; 10 hours of 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

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

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<b>LW584 Forensic Science in Criminal Trials</b>						
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 essay, 50% in class test at the end of term (subject to approval). 100% dissertation element also available. Please contact KLS Undergraduate Office, or access Moodle, for details.

### Synopsis

Please note: You do not need to have studied maths, science or probabilities to perform well on this module!

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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

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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<b>LW586</b>		<b>Environmental Law II</b>				
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

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

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

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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	Payne Mr S

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW589 The Skills of Argument - How to Argue and Win</b>						
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).

<b>LW591 Family Law</b>						
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 2013/2014, 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

LW592	Public Law 2					
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)		Cloatre Dr E

### 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, or students on Politics and Law or Psychology and Law.

### 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 (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 *Prekarious 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW593</b>		<b>European Union Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)		Hedemann-Robinson Mr M

### Contact Hours

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

### Pre-requisites

In order to take this module you must normally 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).

Incoming Erasmus and international students reading law at KLS for a term or more may take this module.

### Restrictions

Only available to Law students, or those taking Politics and Law or Psychology and Law. Not available to students who have taken LW511 European Law

### Availability

This module is normally recorded and may be downloaded.

### Method of Assessment

50% written examination, 50% 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 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, 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 Steiner L Woods EU Law (Oxford UP, 10th ed, 2009)

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

J Fairhurst Law of the EU (Pearson, 8th ed, 2012)

D Chalmers et al. European Union Law (Cambridge UP 2nd ed, 2010)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW594</b>		<b>Statutory Interpretation</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	50% Coursework, 50% Exam	
2	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!]

### Availability

Not available 2013/14.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW595</b>		<b>Access to Land</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	

### 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

### Availability

Not available 2013/14.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW596</b>		<b>Gender, Sexuality and Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	Ring Ms S

### 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

On completing this module, you will be able to:

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

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.

### Preliminary Reading

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

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.

<b>LW597</b>		<b>The Law of Obligations</b>				
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 including Induction; 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

Coursework 30%, exam 70%. Coursework consists of a Problem Question (2000 words) and an Essay (2000 words).

### 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 and tort to include their rules and principles.

### Preliminary Reading

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

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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW598</b>		<b>Equity and Trusts</b>				
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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW599</b>		<b>Land Law</b>				
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, 20 hours lecturing (live lectures augmented by online).

### 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.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW600 Law, Science and Technology</b>						
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.

### Availability

Not available 2013/14.

### Method of Assessment

100% coursework consisting of an oral presentation worth 30% and a take away paper (3000 words) worth 70%.

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW601 Advanced Level Criminal Law</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	60% Exam, 40% Coursework	Conway Dr V

### 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 6000-7000 words worth 60%, the remaining 40% consists of a problem question worth 20% and an oral presentation worth 20%.

Path B - 40% Coursework consisting of a problem question worth 20% and an oral presentation worth 20% and 60% written 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.

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

LW602	Law and Medical Ethics					
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Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	80% Exam, 20% Coursework	

### Contact Hours

10 hours lectures; 10 hours seminars (approximately).

### Availability

Not available 2013/14.

### Method of Assessment

20% coursework, consisting of 1 multiple choice in class assessment, 80% written examination.

### Synopsis

Law and Medical Ethics considers medical law in its social, ethical, political and historical contexts. 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.

### 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, consent to treatment and medical research.

### Preliminary Reading

E Jackson *Medical Law: Text, Cases and Materials* (Oxford University Press)

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

### Contact Hours

2 hour weekly seminars.

### Availability

### 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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW604</b>		<b>Morality and Law</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Spring	H	15 (7.5)	100% Coursework	Curran Dr E

### 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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW607</b>		<b>Reading Twentieth Century Murder Cases</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
2	Canterbury	Autumn	H	15 (7.5)	70% Exam, 30% Coursework	Rubin Prof G

### Contact Hours

1 hours lecture and 1 hour seminar weekly.

### Restrictions

This module is subject to quota.

### Availability

Autumn term 2013/14.

### 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 murder causes celebres in the twentieth century. The topics include why study famous murder cases; the Houndsditch murders and the Sidney Street Siege; Stinie Morrison; Oscar Slater; Dr Crippen; the Brides in the Bath Case; the Thompson/Bywaters love tragedy; the Mme Fahmy Savoy Hotel Scandal; Motor Bandit killings; Spivs, Clubland, Gangland and Murder; violent youth gangs and murder; Derek Bentley; post-war psychopaths such as Heath, Haigh and Christie; and Tim Evans, Ruth Ellis and the capital punishment controversy".

### 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

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).

R Odell, Landmarks in Twentieth Century Murder, Headline 1995.

D Thomas, Villains Paradise, John Murray 2005.

<b>LW608</b>		<b>Law in Action</b>				
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 2 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:

the ability to study the operation of law in practice

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

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)

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW609 Advanced Topics in Property Law: the politics of ownership</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn and Spring	H	30 (15)	100% Coursework	Bottomley Ms A

### Contact Hours

40 hours of seminars.

### Pre-requisites

LW316 Foundations of Property

### Method of Assessment

Research paper of 5,000 words – 50% of assessment mark for paper, and 50% for oral presentation of work-in-progress (of which 60% for presentation, 10% for dealing with questions and 30% for written outline for presentation.)

### Synopsis

This module, building on LW316, explores the nature of property as a legal institution and its economic, political and cultural importance in a variety of contexts. It seeks to question the common sense understandings of property as privately owned 'things', in relation to which the role of law is essentially passive and protective. This course will bridge the too often repeated divide in law school curricula between forms of real property (land law) and intellectual property, exploring theoretical approaches alongside concrete examples drawn from both of these fields, and thereby asking what and why holds such different fabrications together (and apart) under the rubric of 'property'. We will look at intangible forms of property, such as intellectual property (eg patents, copyright) and financial property (eg stocks, shares, government bonds), and will explore the active, constructive and political role of law in constituting property and property rights. One of the module's themes will be the complex relationship between property and power. During the course of the module, in a series of case studies, a wide range of different topics in which issues of property and property rights are central will be examined: from issues surrounding corporate rights and power to land rights (especially in the colonial context); from the construction and protection of intellectual property rights to those surrounding housing and access to housing. The module will also explore the cultural dimension of property, and examine the role played by property practices and thinking in the recent financial crisis, and the potential to think and practice property differently under the rubric of 'alternative property practices' (eg in commons, land trusts, mutuals, co-operatives etc).

### Learning Outcomes

Articulate orally a sound theoretical and practical understanding of key legal-political debates and issues.

Upon completing this module, students will be able to:

gain a deeper understanding of property and law through the examination of historical and contemporary forms of ownership, and a range of theoretical understandings as to what constitutes 'ownership' as a foundational components carried within the idea of 'property'.

to analyze property as a juridical relation and institution, which can be contested, challenged, and remade.

to recognize potential alternative solutions to particular problems, and make a reasoned choice between them.

### Preliminary Reading

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

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

Preliminary Viewing – Holy Motors, 2012, Dir L Carax.

J Brewer and S Staves (eds), Early Modern Conceptions of Property, 1996, London: Routledge.

R McQueen, A Social History of Company Law, 2009, London: Ashgate.

M Callon (ed), Laws of the Market, 1998, Oxford: Blackwells.

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

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

C Dickens, Bleak House (1854)

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.

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW610</b>		<b>Negotiation</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	I	0 (0)	Pass/Fail Only	Clement-Walker Mrs J

### Contact Hours

Approximately 15 hours.

### Pre-requisites

None.

### Restrictions

Only available to second or third (final) year law Undergraduate students.

### Availability

Autumn term.

### Method of Assessment

This module does not form part of the formal 240 credit diet at stages 2 & 3, therefore assessment do not formally 'count' for the degree. The module represents extra learning and an opportunity to gain transferable skills to enhance employability. Students who participate in the meetings/workshops and take part in the internal negotiation competition will be deemed to have met the requirements of the module.

### Synopsis

This extracurricular module provides an introduction to negotiation and the skills required to resolve legal disputes without recourse to litigation. This will include an introduction to the concept of negotiation, workshops on the skills required to prepare for it, and take part in a negotiation, leading to participation in an internal negotiation competition using scenarios provided. Students will be competing for the opportunity to participate in the South East Regional Heat of the National Negotiation Competition, which takes place during the Spring term. Each university is allowed to send 2 teams (4 students) to compete in this event. This competition does not form part of the module, however it represents a goal for students to work towards in the internal competition.

### Learning Outcomes

To introduce students to the art of negotiation.

To provide a sound grounding in all aspects of negotiation.

<b>LW611</b>		<b>Law Dissertation Autumn Option</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Project	Piska Mr N

### Contact Hours

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

### Pre-requisites

Merit overall at stage 1 (students going into stage 2 ) or 2:1 in LW592 Public Law 2 special study (students going into stage 3 or 4).

### Availability

Available to stage 2 and 3 students. For stage 2 students this is only available to those who have achieved a merit at stage 1 (some exceptions may be made in certain circumstances for example senior status students). For stage 3 and 4 students this is only available to those who have achieved at least 2:1 in Public Law 2 Special Study. Not available to non law students.

### Method of Assessment

100% dissertation of 8000 words (due at the beginning of the summer term).

### 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 2 and 3 students taking single or combined honours law programmes. Stage 2 students achieving a result lower than a merit in stage 1 or for those students in stage 3 or 4 achieving a mark lower than a 2:1 in Public Law 2 special study 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

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW612</b>		<b>Mooting</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	I	0 (0)	Pass/Fail Only	

### Contact Hours

These will vary depending on the level of involvement of students.

### Pre-requisites

None.

### Restrictions

Only available to second and third (final) year Law students.

### Availability

Autumn and Spring terms.

### Method of Assessment

This module does not form part of the formal 240 credit diet at stages 2 & 3, therefore assessment does not formally 'count' for the degree. The module represents extra learning and an opportunity to gain transferable skills to enhance employability. Students who participate in the meetings and take part in either an internal or external competition will be deemed to have met the requirements of the module, unless the quality of an individual's preparation for and participation in a moot competition is deemed to be below 40%. Assessment of performance will be based on the criteria used where mootings are used as a formal assessment in a credited module.

### Synopsis

This extracurricular module provides an introduction to and practical experience of mootings and the skills required to resolve legal disputes in the context of appellate litigation. This will include an introduction to the practice of mootings and the skills required to prepare for it, and to take part in a moot either in an internal or external moot competition using moot problems provided. The Director of Mooting operates a selection process for the teams competing in the external moots, there will be several each year.

### Learning Outcomes

To introduce students to the art of advocacy.

To provide a sound grounding in all aspects of advocacy including preparation, legal research for advocacy, skeleton arguments and oral presentation.

<b>LW615</b>		<b>Neuroscience in Law: Forensic, Medical and Ethical Aspects</b>				
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Project	Mackenzie Dr R

### 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.

## 2013-14 Social Sciences Undergraduate Stage 2 & 3 Module Handbook

<b>LW617 Legal Ethics: Exploring the Ethics of Lawyers and Lawyering</b>						
Version	Campus	Term(s)	Level	Credit (ECTS)	Assessment	Convenor
1	Canterbury	Autumn	H	15 (7.5)	100% Coursework	Curran Dr E

### 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.

### 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 Vuletich, and N Miller, *The Law, Principles and Practice of Legal Ethics*, 1st edn.