**2019/20 LLB OPTIONS (Level 6)**

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| --- | --- |
| **Term: AUTUMN**  **Credits: 15** | |
| **Monday 18.00 – 19.30** | **Monday 19.30 – 21.00** |
| Adult Relations | Crime, Race and Media |
| Consumer Law | Immigration Law I: Fundamentals of UK Law |
| Contemporary Issues in Islamic Law | International Economic Law and Development |
| Environmental Law | Organised Crime in Contemporary Society |
| Housing, Justice and the Law |  |
| Space Law |  |
| **Saturday 10.00 – 13.00** | |
| Crime and Science | |
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| **Term: BOTH AUTUMN AND SPRING**  **Credits: 30** | |
| **Monday 18.00 – 19.30** | **Monday 19.30 – 21.00** |
| Intellectual Property Law | N/A |
| **Friday 18:00 – 21:00 (2 or 3 sessions TBC)** | |
| UG Dissertation **(by application only)** | |
|  | |
| **Term: SPRING**  **Credits: 15** | |
| **Monday 18.00 – 19.30** | **Monday 19.30 – 21.00** |
| Child Law | Cyberspace Law |
| Private International Law | International Criminal Justice |
| White-Collar and Corporate Crime | Mental Health Law and Criminal Justice |
|  | Mooting and Trial Skills |
| **Saturday 10.00 – 13.00** | |
| Cyber-safety: Bullying and Harassment | |

# ADULT RELATIONS

**LADD062H6**

|  |  |
| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Daniel Monk** |
| **Email** | [**d.monk@bbk.ac.uk**](mailto:d.monk@bbk.ac.uk) |

**Aims and Objectives**

Adult Relations is a dynamic subject that directly or indirectly impacts on all our lives. On this course we ask ‘what is a family?’ and 'what personal/private relationships should the State recognise (and why?)'

In answering these questions we will look at controversial debates about shifting definitions of marriage; how the law should treat divorcing or separating couples; the rationale for treating married couples differently from those that cohabit, domestic violence, and familial disputes arising on death.

In this course you will achieve not only a sound knowledge of the legal framework governing the family but also a good grasp of the sociological context in which the legal questions arise. We will focus on what happens in practice as well as what should happen in theory.

**Topics**

The following topics are generally covered:

The Family; Marriage and Civil Partnership; Forced Marriage; Divorce and Dissolution; Financial consequences of relationship breakdown; and, Inheritance disputes.

**Module Format**

1.5 hour combined lecture and seminar

**Assessment**

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| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4000 words | January | 100% |

**Indicative Reading**

# Ruth Lamont, *Family Law* (Oxford, 2018) Mary Lyndon Shanley, ‘Just Marriage: On the Public Importance of Private Unions’ (2003) Boston Review (Summer Issue) Available at: <http://new.bostonreview.net/BR28.3/shanley.html>

# CHILD LAW

**LADD006H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Daniel Monk** |
| **Email** | [**d.monk@bbk.ac.uk**](mailto:d.monk@bbk.ac.uk) |

**Aims and Objectives**

On this course we ask ‘why and how should the law treat children different from adults?’ ‘what is a parent?’; ‘what duties do parents owe to children and to what extent should or can the State enforce them?’; and, ‘to what extent should children have rights?’

In answering these questions we will look at controversial debates about the meaning of ‘children’s rights’; the legal definition of parents the impact of reproductive technology; how children are treated on divorce; education law; and child protection and adoption. These debates across a wide of range of familial conflicts touch on complex and controversial moral (and often religious) issues all of which will be explored in the module.

In this module you will achieve not only a sound knowledge of the legal framework governing children but also a good grasp of the sociological context in which the legal questions arise. We will focus on what happens in practice as well as what should happen in theory.

**Topics**

The following topics are generally covered:

Children’s welfare; Parental responsibility; Reproductive Technology and Parenthood; Disputes about children on divorce; Child Protection and Adoption

**Module Format**

1.5 hour combined lecture and seminar

**Assessment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4000 words | April | 100% |

**Indicative Reading**Ruth Lamont, *Family Law*, (Oxford, 2018)

Michael Freeman, ‘The Sociology of Childhood and Children’s Rights’ (1998) The *International Journal of Children’s Rights* 6: 433-444

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# CONSUMER LAW

**LALW054H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Stephen Bunbury** |
| **Email** | [**s**.**bunbury@bbk.ac.uk**](mailto:s.bunbury@bbk.ac.uk) |

**Aims and Objectives**

This module will introduce students to various types of complaints a consumer may make against suppliers of goods and services. Students will consider the civil and criminal law remedies available to consumers. The module is designed to focus on the Consumer Rights Act 2015, the Consumer Credit Act 1974 (which has now been amended by the Consumer Credit Act 2006) and Regulations in relation to online transactions. The module will also consider claims for misrepresentation and unfair terms.

* Understand key issues arising from a consumer sale and regulated credit transactions
* Undertake in-depth research using relevant statutes, case law and legal principles
* Use problem solving skills to solve disputes in relation to sale of goods and consumer credit transactions.
* Demonstrate an appreciation of the underlying policy and social context of consumer protection as applied to consumer sales and credit law.
* Promote independent research skills

**Learning Outcomes**

On successful completion of this module, students will:

* Demonstrate an in depth knowledge in relation to the legal issues involved in consumer transactions
* Understand contractual law issues arising in consumer contracts
* Understand the importance of risk, legal title, description, quality and fitness in consumer contracts
* Identify the duties of buyer and seller during consumer transactions involving the sale of goods and consumer credit transactions
* Provide written advice in relation to remedies available in consumer contracts
* Understand the rights of the consumer in contracts for the sale of goods, supply of services and credit contracts
* Understand the various criminal offences available in relation to consumer transactions
* Identify the difference between criminal and civil liability
* Demonstrate legal research skills and problem analysis
* Produce appropriate presented work

**Module Format**

The teaching will comprise of seminars (1.5). Seminars will take the form of discussion involving research and applying the relevant law in order to resolve legal issues arising from consumer transactions. Students will be expected to undertake the relevant reading before attending the seminars.

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3000 words | 4000 words | January | 100% |

The module will be assessed by one piece of coursework which will be a problem based question. The work will test the ability to plan, carry out independent legal research, and identify relevant issues by analysing judicial reasoning and applying statutory material.

**Indicative Reading**

**Textbook:** Woodroffe, G and Lowe, R. *Consumer Law and Practice*, 10th Edition, 2016, Sweet and Maxwell.

**Statute Book**: Rose, F. *Blackstones Statutes on Commercial & Consumer Law* 2017-2018, 26th edition (2017), Oxford University Press.

# CONTEMPORARY ISSUES IN ISLAMIC LAW

**LALA202H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Qudsia Mirza** |
| **Email** | [**q.mirza@bbk.ac.uk**](mailto:q.mirza@bbk.ac.uk) |

**Aims and Objectives**

This module offers an overview of Islamic Law within a comparative context by comparing and contrasting Islamic Law provisions on human rights, gender and finance with provisions in English Law. The course will commence with an outline of classical Islamic Law, its origins and the historical development of the main schools of jurisprudence and will progress to contextualizing Islamic Law and contemporary issues within the context of the ‘West’ in contemporary times. The course will employ a clear comparative methodology as it explores the three main contemporary issues of human rights, gender and finance.

The module provides an insight into contemporary debates relating to Islamic and 'Western' conceptions of human rights. It critically examines the philosophical and theoretical foundation of Human Rights law and how this relates to Islamic conceptions of human rights.

The module will also focus on the study of current gender issues within a variety of contexts. This part of the module will focus on an analysis of classical Islamic law and current family law reforms in the Muslim world.

The final part of the module is devoted to understanding whether the current European legal framework in capital markets should accommodate institutions of Islamic finance. There will be a particular focus on the impact of the global Islamic finance industry and its effects on the European financial market.

The module aims to develop a systematic understanding of Islamic legal precepts and norms and how they are conceptualized within 'Western' democracies as well as in Muslim majority societies. The course analyses the practices and theories of different Islamic schools of law and legal opinions (fatwa) in relation to the core subjects of the module namely human rights, gender and finance. The course aims at providing students with critical skills to evaluate arguments, assumptions, interpretive and hermeneutical approaches as well as specific legal concepts in Islamic law and its operation in a variety of contexts.

**Module Format**

1.5 hours combined lecture and seminar

**Assessment**

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| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3000 words | 4000 words | January | 100% |

**Indicative Reading**

* Shahab Ahmed, What Is Islam? (Princeton, NJ: Princeton University Press, 2016)
* Asma Afsaruddin, Contemporary Issues in Islam (Edinburgh, Edinburgh University Press, 2015)
* Wael Hallaq, An Introduction to Islamic Law (Cambridge: Cambridge University Press, 2009)
* John L. Esposito and Natana J. Delong-Bas, Shariah What Everyone Needs to Know (NY: Oxford University Press, 2018)
* Shaheen Sardar Ali, Modern Challenges to Islamic Law (Cambridge, Cambridge University Press, 2016)
* Valentino Cattelan, (ed.) Islamic Finance in Europe Towards a Plural Financial System (Cheltenham: Edward Elgar Publishing 2013)

# CRIME AND SCIENCE

**LALA152H6**

|  |  |
| --- | --- |
| **Department** | **Criminology** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Renata Salecl** |
| **Email** | [**r.salecl@bbk.ac.uk**](mailto:r.salecl@bbk.ac.uk) |

**Aims and Objectives**

This module builds on a range of concepts introduced in Criminology and Criminal Law, and will expand the range of options available to students in the LLB/LLM (QLD). It also covers themes that are currently neglected in other courses, like neuroscience, genetics, forensics and psychiatric and psychological expertise.

This module first presents historical attempts of criminology to ground the problem of criminal subjectivity in science (like work of Lombroso). Second, it looks at the way genetics and neuroscience has been introduced into the field of criminology and criminal law. Third, it analyses how media and contemporary culture influenced the turn towards science in legal practice. And forth, it addresses the power of the experts and the form of forensic fraud.

**Key Topics**

* History of introduction of science into criminology and criminal law
* Turn to genetics in criminology and criminal law
* Introduction to neuroscience and law
* Case studies of the use of genetics in contemporary legal practice
* Case studies of the use of neuroscience in legal practice The power of the experts in legal practice
* Case studies of psychiatric and psychological experts
* CSI effect – the power of the media in law
* Forensic fraud
* Innocence projects and their attempts to use science in exonerating the innocent prisoners

**Module Format**

The course will run on Saturdays from 10 am until 1 pm on set dates TBC

**Assessment**

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| **Assessment Type** | **Word Count** | **Date** | **Weighting** |
| Essay | 3500 | January | 100% |

# CRIME, RACE AND MEDIA

**LACN012H6**

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| --- | --- |
| **Department** | **Criminology** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Monish Bhatia** |
| **Email** | [**m.bhatia@bbk.ac.uk**](mailto:m.bhatia@bbk.ac.uk) |

**Aims and Objectives**

This module provides a comprehensive introduction to issues of race, media and crime. It examines ways in which images of crime and race are (re)produced by the media, and analyses various ways in which crime is racialised and race is criminalised. The module considers how crimes and victimisation of racial minorities have been historically portrayed by the media. The social impact of these media representations are also discussed, with particular attention given to public perceptions and fear of crime and criminal behaviour, and the impact of public perceptions on criminal policy, race relations and treatment of minority groups. The module while firmly rooted in criminology cuts across sociology of race and ethnicity, and sociology of media.

**Indicative Topics**

* Introduction: Race, media and crime in historical perspective
* Islam and Muslims in the media
* Media representation of asylum seekers, ‘illegal’ migrants and foreign criminals
* Black people and crime in media
* Special topic: Dehumanisation of Calais migrants in right-wing and tabloid press
* Hip-hop, gangsta rap and crime
* Representation of missing persons, victims and deaths
* Media and the Israeli-Palestinian conflict
* New forms of media, online platforms, racism and resistance

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3000 words | 4000 words | January | 100% |

**Suggested Reading**

* Abbas, T. 2005 Muslim Britain: Communities Under Pressure, London: Zed Books
* Back, L. & Solomos, J. (eds) 2000 Theories of Race and Racism
* Barak, G. (Ed.). 1994. Media, process, and the social construction of crime: Studies in newsmaking criminology. Taylor & Francis.
* Bhatia, M., Poynting, S., Tufail, W. 2018. Media, Crime and Racism. Palgrave: London
* Bhattacharyya, G. et al 2002 Race and Power: Global Racism in the 21st Century
* Bloch, A. & Solomos, J. 2010 Race and Ethnicity in the 21st Century, London, Palgrave Macmillan
* Box, S. 1983. Power, Crime, and Mystification, London: Routledge.
* Crichter, C. (ed) 2006 Critical Readings: Moral Panics and the Media
* Downing, J. & Husband, C. 2005 Representing Race: Racisms, Ethnicities and the Media
* Ericson, R. V. et al 1991 Representing Order: Crime, Law and Justice in the News Media
* Feagin, J. R. 2013. The white racial frame: Centuries of racial framing and counter-framing. Routledge.
* Ferguson, R. 1998 Representing Race: Ideology, Identity and the Media
* Gabriel, J. 1998 Whitewash: Racialized Politics and the Media.
* Grewcock, M. 2009. Border crimes: Australia's war on illicit migrants. Institute of Criminology.
* Hall, S. et al 1978 Policing the Crisis: Mugging, The State, and Law and Order
* Hooks, b. 1994 Outlaw Culture: Resisting Representations
* Howe, A. (ed) 1998 Sexed Crime in the News
* Hartmann, P., Husband, C. and Clark, J. (1974) ‘Racism as news: a study in the handling of race in the British national Press from 1963-1970’, in Unesco, Race as News, Paris: Unesco, 91-174
* Jewkes, Y. 2015. Media and crime. Sage.
* Kundnani, A. 2014. The Muslims are coming!: Islamophobia, extremism, and the domestic war on terror. Verso Books.
* Martinez, R. & Valenzuela, A. 2006 Immigration and Crime: Ethnicity, Race and Violence
* Miller, D. 2003. Tell me lies: Propaganda and media distortion in the attack on Iraq. Pluto Press.
* Philo, G., Briant, E., & Donald, P. 2013. Bad news for refugees. Pluto.
* Philo, G., Berry, M. 2011. More bad news from Israel. Pluto
* Pickering, S. 2005. Refugees and state crime. Federation Press.
* Poynting, S., Noble, G., Tabar, P., & Collins, J. 2004. Bin Laden in the suburbs: Criminalising the Arab other.
* Van Dijk, T. A. 2015. Racism and the Press. Routledge.

# Cyber-safety: Bullying and Harassment

**LALW029H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Susy Menis** |
| **Email** | [**s.menis@bbk.ac.uk**](mailto:s.menis@bbk.ac.uk) |

**PLEASE NOTE: THIS MODULE IS HELD OVER 4 SATURDAYS AND INCLUDES COLLABORATIVE WORK ON MOODLE.**

**Aims and Objectives**

This course will explore the threats and impact of cybercrime. By looking at a range of criminal case law and legislation, the course builds the skills and knowledge that are necessary for developing critical legal skills. The course addresses several issues concerning cyber safety, including human rights and impact on victims. Topics will focus on: online romance scam; harassment and stalking; and cyber bullying.

The course is delivered face to face and online. You are expected to study independently and actively while also engaging in collaborative learning. Attendance at the 4 workshops is fundamental; you will also need to collaborate in 2 weekly Moodle discussions.

Assessment methods include online-group discussion and small-group project. By the end of the course you will be expected to design and produce a social-awareness cyber-safety leaflet.

The module aims:

1. To develop critical and analytical skills involving criminal law legislation and case law related to cybercrime in the UK.
2. To assess threats and impact of cybercrime informed by critical legal research.
3. To examine the nature of the following types of cybercrime: online romance scam; harassment and stalking; cyber bullying.
4. To develop self-management skills (i.e. independent learning) and collaborative learning using eLearning technologies.
5. To provide students with the opportunity to plan and design a social-awareness cyber-safety leaflet.

**Module Format**

1. Face to face: the module will run on 3 Saturdays on the following dates:
2. Workshop: 18 January 2020 at 10am-1pm
3. Workshop: 8 February 2020 at 10am-1pm
4. Workshop: 7 March 2020 at 10am-3pm
5. Presentation: 21 March 2020 at 10am-1pm
6. Moodle work: you will engage in guided independent learning and 2 collaborative discussions on moodle:
7. Guided Independent learning: weeks 1, 2, 4, 6.
8. Collaborative work: weeks 3, 7, 8, 9, 10.
9. Independent learning will be informed by reading and research carried out by you for the completion of certain activities. All these will be developed and available on moodle; short lecturecasts (lecture-recording) will also be included.

**Week 1**: introduction to the course; introducing eLearning; independent and collaborate learning; what is cybercrime; virtual criminality; understanding ‘safety’ in the cyber context.

**Week 2**: online romance scam

**Week 3**: online romance scam

**Week 4**: harassment and stalking in cyberspace

**Week 5**: harassment and stalking in cyberspace

**Week 6:** cyber bullying

**Week 7**: cyber bullying

**Week 8**: small groups project planning

**Week 9**: finalizing the production of a cyber-awareness leaflet

**Week 10:** presentations

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Moodle discussion 1: collaborative discussion on Moodle; 1 week duration | 5 posts (150-200 words each) | 6 posts (150-200 words each) | February | 25% |
| Moodle discussion 2: collaborative discussion on Moodle; 1 week duration | 5 posts (150-200 words each) | 6 posts (150-200 words each) | March | 25% |
| 1. Evaluation of collaborative work during the course and on own small group project preparation.  2. Evaluation and explanation of own small group cyber-awareness leaflet and another group’s cyber-awareness leaflets | Portfolio:  2 x 500 words reports | Portfolio:  2 x 600 words reports | April | 50% |

**Background Reading**

* BBC News Technology <http://www.bbc.co.uk/news/technology/>
* Guardian Online Information Security <http://www.theguardian.com/media-network/information-security>
* The Telegraph Internet Security <http://www.telegraph.co.uk/technology/internet-security/>
* Betts L.R., *Cyberbullying Approaches, Consequences and Interventions* (London: Palgrave Macmillan UK, 2016) (eBook on BBK library)

# CYBERSPACE LAW

**LALW001H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Damian Bielicki** |
| **Email** | [**d.bielicki@bbk.ac.uk**](mailto:d.bielicki@bbk.ac.uk) |

**Aims and Objectives**

The main aim of the course is to look in to the legal regime governing cyberspace and see how it copes with the breakdown of national barriers and the cross-border implications of the interlinking of computers world-wide. Critical approach to legal education will be considered involving multidisciplinary nature of cyberspace, with studies ranging from law, politics, history, science, philosophy, sociology, economy, to ethics and international relations. Moreover, we will look into cyberspace law from the national and regional perspective but also at the international dimension. It will help students describe, analyse and evaluate different issues, and to look beneath the surface of laws and regulations, to see the 'bigger picture'. The course is intended to foster pluralist ideas and opinions. Therefore, we will not look only for the most important aspects of cyberspace law but will question the information, ideas and arguments that will come across the studies, and learn with an open mind.

The course will also focus on how the recent technological developments (e.g. virtual money or artificial intelligence) influence the development of cyberspace law and policy. The various sessions address a whole host of separate cyberspace related activities from E-commerce, intellectual property, cybercrime, international security, ethical and moral issues and many others. The aim is to look into the major rules and concepts governing space activities de lege lata and de lege ferenda (the law as it exists and what the law should be). We will also look into the implications of the use of information technology, and the intended and unintended consequences of regulating that use.

On successful completion of this module a student will be expected to be able to:

* Explain how the Internet works and what is the role of law and lawyers in Cyberspace;
* Critically evaluate ongoing developments in law relating to information technologies and recognise how these developments relate to one another;
* Discuss how the information society and law function in terms of free speech, censorship, discriminatory behaviours (including cyber bullying and cyber-racism);
* Recognise what is cybercrime and how to fight it and protect yourself against it;
* Explain how electronic commerce works and what are the related issues, including contracting, electronic payments, taxation, intellectual property and many more;
* Introduce the national, regional and international approaches to cyber security, surveillance, cyber terrorism and cyber warfare;
* Recognise what is artificial intelligence (AI) and what are the social, economic, political, technological, legal, ethical and philosophical issues related to AI;
* Discuss the ethical and moral issues raised by cyberspace, including hacking, social networking, intercultural information ethics, plagiarism, online file sharing, whistleblowing and many more;
* Examine areas of doctrinal and political debate surrounding rules and theories and evaluate them in terms of internal coherence and practical outcomes;
* Identify what potential careers provides cyberspace;

**Syllabus**

1: An introduction to cyberspace law

2: Jurisdiction in cyberspace and dispute resolution

3: E-Commerce

4: Digitisation and society

5: Cybercrime

6: Cyberspace and human rights

7: International security and military operations in cyberspace

8: Ethical and moral issues raised by cyberspace

9: Artificial Intelligence (AI) and law

10: Future challenges for cyber law

**Module Format**

1.5 hour combined lecture and seminar

**Assessment**

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| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4000 words | April | 100% |

During the course students will be asked to write a 4,000 word essay on a topic related to the aspects covered in the module. Students will be given five different topics and will be asked to select one for their assignment.

**Reading**

A. Murray, *Information Technology Law: The Law and Society*, 3rd ed., Oxford University Press 2016.

# Environmental law

**LALW035H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Giulia Leonelli** |
| **Email** | [**g.leonelli@bbk.ac.uk**](mailto:g.leonelli@bbk.ac.uk) |

**Overview**

This module aims at providing an exhaustive overview and a critical insight into environmental law and environmental governance. It will focus on environmental regulation and case law, analysing their evolution, aims and overarching principles.

The first part of the module will introduce you to the notions of environmental protection, environmental justice, ecology and sustainable development. It will also explore the impact of different regulatory frameworks and models of governance, as well as the shifting balance between individual – trade-related – rights and collective – environmental – stakes.

The second part of the module will take a closer look at discrete areas of environmental law and policy-making, including air pollution, industrial emissions, waste regulation, Environmental Impact Assessment, water regulation and nature and biodiversity protection.

**Syllabus**

* Environmental Law: an Introduction
* Environmental Law in the EU: What Is At Stake?
* The Judiciary and EU Environmental Law
* WTO Law and the Protection of the Environment
* Towards a New Paradigm: ‘Ecology and the Law’
* Air Pollution and Industrial Emissions
* Waste Regulation
* Water Regulation
* EIA and SEA Directives and Nature and Biodiversity Protection
* Climate Change: an Introduction

**Module Format**

The module will run over the Autumn term (10 weekly lectures, each 1.5 hours).

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3500 words | 4000 words | January | 100% |

**Background Reading**

The following texts provide useful background reading for the course:

* S. Kingston, V. Heyvaert and A. Cavoski, *European Environmental Law* (Cambridge: Cambridge University Press, 2017).
* F. Capra and U. Mattei, *The Ecology of Law. Toward a Legal System in Tune with Nature and Community* (Oakland CA: Berrett-Koehler, 2015).
* M. Lee, *EU Environmental Law, Governance and Decision-Making* (Oxford/Portland OR: Hart Publishing, 2014).

# Housing, Justice and the Law

**LALW012H6**

|  |  |
| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Sarah Keenan and Craig Reeves** |
| **Email** | [**s.keenan@bbk.ac.uk**](mailto:s.keenan@bbk.ac.uk) **and** [**c.reeves@bbk.ac.uk**](mailto:c.reeves@bbk.ac.uk) |

This module provides an in-depth introduction to i) housing law and policy in England and Wales, and ii) the relations between that law and policy and the exercise of state power and social control.

Students will get an overview of the legal framework for housing law and its relation to housing policy, the historically changing economic and political context in which housing law and policy have developed, and the theories of property and democratic citizenship which have informed them. We will explore the significance of housing and homelessness in the exercise of state power and social control, reflecting on the ways in which housing is used to manage populations and spatial areas, control behaviour and construct deviance, reinforcing power relations along dimensions of class, gender and race, and we will consider how ideas around housing and homelessness inform the legal exercise of state power in differential ways through criminal and quasi-criminal regulation and sanctions.

We will study topics including the effects of the recent legislative changes on social housing tenants, housing policy and the hostile environment, the criminalisation of homelessness, the London housing crisis, and the question of moral and legal responsibility for harms brought about through housing law and policy.

**Assessment**

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| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Reflective Writing Piece | 1000 words | 1000 words | TBC | 25% |
| Research Essay | 2000 words | 3000 words | January | 75% |

**Indicative syllabus**

* Origins of the housing question: industrial capitalism the rise of the welfare state
* The basis of legal entitlement to land
* Gentrification and the decline of social and council housing
* The London Housing Crisis
* Gendered space and domestic violence
* The Hostile Environment and Racism in Housing
* Democratic citizenship, property ownership and homelessness
* The criminalisation of homelessness: squatting and the defence of necessity
* Social Housing and Social Murder: The Case of Grenfell Tower

**Indicative reading**

* JoshRyan-Collins, Toby Lloyd,  Laurie MacFarlane. Rethinking the Economics of Land and Housing (2017).
* David Cowan and Morag McDermott, Regulating social housing: Governing decline (2006)
* Paul Watt and Anna Minton, ‘London’s housing crisis and its activisms: Introduction’ City (2016)
* Jon Burnett, ‘Entitlement and belonging: social restructuring and multicultural Britain’ (2016)
* Sundari Anitha, 'Neither safety nor justice: the UK government response to domestic violence against immigrant women' Journal of Social Welfare and Family Law (2008)
* Derek Fraser, The Evolution of the British Welfare State (London: Palgrave, 2017)
* Geoffrey Finlayson, Citizen, State and Social Welfare in Britain 1830-1990 (Oxford: Clarendon, 1994)
* Pat Thane, Foundations of the Welfare State (Pearson, 1996)
* Colin Hay, 'Housing Policy in Transition: from the post-war settlement towards a Thatcherite hegemony' (1992) Capital and Class 16(1)
* Christopher Essert, 'Property and Homelessness', (2016) Philosophy and Public Affairs 44(4)
* T H Marshall, Citizenship and Social Class (Cambridge: CUP, 1950)
* Jean-Jaques Rousseau, Second Discourse on Inequality (1754)
* John Rawls, Justice as Fairness (Cambridge, Mass.: Harvard University Press, 2001)
* Frederick Engels, Conditions of the Working Class in England
* Alan Norrie, 'Legal and Social Murder: What's the Difference?' (2018) Criminal Law Review
* Coroner's Inquisition re the Lakanal House Inquest

# iMMIGRATION lAW i: fundamentals of UK LAW

**LALA144H6**

|  |  |
| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Khadija Rahman** |
| **Email** | [**k.rahman@bbk.ac.uk**](mailto:k.rahman@bbk.ac.uk) |

**Aims and Objectives**

This course aims to present an outline of the legal framework for the system of immigration law of the United Kingdom, and will assess its development as a legal means of permitting the entry, stay and settlement of foreign nationals.

We will review the history of refugee and immigration law by way of a backdrop, and explore the underlying political, social and economic factors, which has shaped the government policy and influenced the approach towards foreigners. There will be an introductory overview of the rights of asylum seekers in order to demonstrate the system of U.K immigration control as a broad one which includes a separate scheme of international obligations to provide protection to foreign nationals claiming a fear of persecution. The course will explore the conflicts between executive aims and the need to accord due respect to foreign nationals claiming a basis to stay in the U.K as family members of those who are either settled or British. In this context, we will also explore impact of human rights as a means of challenging decisions to refuse leave, to remove overstayers and to deport foreign criminals. The course will review the position of foreign nationals who seek to come to the U.K for work, business or study and complexities of this law under the Points-Based System. There will also be a comparative study of the position of EU nationals and their family members under EU free movement law applying pre-Brexit and under the immigration rules post-Brexit.

Students will attain basic understanding of the system of immigration control, relevant primary legislation, secondary legislation, the Immigration Rules HC 395, and international legal instruments, such as the Citizens’ Directive 2004/38/EC, the European Convention of Human Rights, and the Convention relating to the Status of Refugees 1951. Main areas of discussion include: system of immigration control, family migration, economic migration, administrative removal, deportation of foreign criminals, EU free movement law, international protection, and appeal rights and processes.

A basic review of cases from national courts will provide a preliminary understanding of how the Immigration Rules, legislation, and human rights in this context is interpreted and implemented in the United Kingdom. This will be assessed by studying approaches to the meaning given to the requirements of the relevant immigration law. This course will ultimately lead to the initial analysis of the comparative differences in the treatment of foreign nationals seeking to entry and to remain in the U.K as economic and family migrants and asylum seekers under immigration and asylum law.

Whilst students will gain an understanding of the history and an overview of international legal definition of a refugee, this course is a pre-requisite for a more comprehensive study and analysis of the wider legal concepts that underpins asylum law and the position of asylum seekers and refugees on the options module, Immigration Law Part 2: Advanced Concepts in Asylum Law.

**By the end of the course you will have:**

* Knowledge of the relevant primary legislation, and secondary legislation, such the Immigration Rules HC 395, Home Office policy, and case law relevant to family settlement applications, Tier 1, 2 and 4 of the Points Based System, administrative removal of overstayers, deportation of foreign criminals, and EU nationals and their family members.
* Knowledge of the Citizens’ Directive 2004/38/EC and the Immigration (European Economic Area) Regulations 2016/1052 and some of the relevant case law to show how the Directive and Regulations have been interpreted by both the domestic and European courts.
* Basic knowledge of the 1951 Convention on the Status of Refugees and its Protocol, Council Directive 2004/83/EC, and the Refugee or Person in Need of International Protection (Qualification) Regulations SI 2006/2525. The particular focus is on Article 1A (definition of a refugee) and Article 33 (non-refoulement).
* Develop an ability to critically evaluate the principles and concepts of immigration, nationality and asylum.
* Gain an understanding of the different categories upon which the law operates i.e. asylum-seekers, students, workers, marriage and other members of the family, deportation, administrative removals, appeals and the court structure.
* Be able to apply their knowledge to problem solving. Students will be expected to analyze cases from national tribunals and the European courts.
* Be able to communicate effectively in written form in the context of the assessment.

**Course Structure and Content**

**Seminar 1***:* History of UK Refugee and Immigration Law and overview of Refugee Definition under the 1951 Convention on the Status of Refugees and its Protocol.

**Seminar 2:** Overview of the system of immigration control, with a particular focus on the administrative removals of overstayers

**Seminar 3:** Challenging refusals: appeals process and judicial review

**Seminar 4**: Family Migration I (immigration rules for spouse, unmarried partners, and fiancé prior to 9 July 2012)

**Seminar 5**: Family migration II (immigration rules parents and grandparents and children prior to 9 July 2012)

**Seminar 6:** Family Migration III: Overview of the family migration rules (spouses, unmarried partners, fiancé, parents/grandparents/other dependent relatives, and children) since 9 July 2012

**Seminar 7**: Overview of the point-based system: working and studying in the U.K (Tiers 1, 2 and 4)

**Seminar 8:** Deportation of foreign criminals

**Seminar 9:** EEA nationals

**Seminar 10**: Family members of EEA nationals.

**Module Format**

This module will be taught in ten weekly sessions of one and a half hours duration. Typically classes will commence with a lecture overview of 30/45 minutes, followed by classroom discussion. Students will be required to come prepared at each seminar.

Students will be required at times to come prepared to perform a mini-presentation of 5-7 minutes on particular assigned topics in class. Problem questions may be also used and provided accordingly.

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4000 words | January | 100% |

**Indicative Reading**

If you would like to purchase a definitive textbook, then buy *Gina Clayton & Georgina Firth ‘Immigration and Asylum Law’, Oxford University Press, 2018 (8th edition).* Most of the required material will be from this textbook, and you will be expected to obtain your own copy of this reading.

Copies of articles for discussions, other than chapters from books and cases, will be provided via Moodle.

Other useful books include:

* Dallal Stevens, UK Asylum Law and Policy, Thompson & Maxwell, 2004.
* Margaret Phelan and James Gillespie, Immigration Law Handbook, Oxford University Press (10th edition).
* MacDonald and Ronan Toal, MacDonald's Immigration Law and Practice:
* 2-Volumes, LexisNexis, (9th edition)
* Mark Symes and Peter Jorro, Asylum Law and Practise’, Bloomsbury, 2010

A variety of other useful books are held in the Birkbeck Library as well. The library is subscribing to the Electronic Immigration Network (EIN) ([www.ein.org.uk](http://www.ein.org.uk)) where you can access the Immigration Rules, relevant legislation, international instruments, country information, and research U.K and European case law.

Other useful websites include:

* Home Office website: Gov.uk (where you will find the Immigration Rules and other Home Office Guidance)
* Bailli: [www.bailli.org](http://www.bailli.org).
* Tolleys: <http://www.tolley.co.uk>
* JCWI: [www.jcwi.org.uk](http://www.jcwi.org.uk)
* Free Movement: <http://www.freemovement.org.uk/>

There are also a number of useful resources and books, including *Ian A MacDonald QC and Ronan Toal, MacDonald's Immigration Law and Practice* *2-Volumes, LexisNexis, (9th edition)*, available on Lexis Library located under ‘Practice Areas – Immigration’.

# INTELLECTUAL PROPERTY LAW

**LADD045S6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **30** |
| **Term** | **Autumn & Spring** |
| **Convenor** | **Henrique Carvalho** |
| **Email** | [**h.carvalho@bbk.ac.uk**](mailto:h.carvalho@bbk.ac.uk) |

**Aims and Objectives**

This course comprises an introduction to Intellectual Property Law, focusing primarily on copyright, with some consideration of selected issues in patent law, breach of confidence and the law of trade marks.

Intellectual property deals with objects which are intangible. How can objects which cannot be touched enter the productive life of societies? How did we get to a world where we are constantly surrounded by objects protected by intellectual property? Are there any good reasons to offer legal protection to the exploitation of such objects?

This module is designed to provide tools and knowledge to facilitate the reading and understanding of cases, statutes and legal documents dealing with intellectual property issues as well as engagement with current debates regarding intellectual property law and policy.

**Course Structure and Content**

This course comprises an introduction to Intellectual Property Law, focusing primarily on copyright, with some consideration of selected issues in breach of confidence, patent law and the law of trademarks and passing off.

The course will cover the following matters:

1. The history and theoretical foundations of intellectual property law.
2. The role of intellectual property in international trade, including trends towards the global harmonisation of intellectual property law, and the impact of these trends upon the trajectory of UK law.
3. Copyright, including: the subject matter of copyright protection; the nature of copyright protection; duration of copyright; criteria for determining ownership of copyright; the rights of the owner; the criteria for infringement of the copyright work; and defences to a claim of infringement.
4. Breach of confidence: information as property?
5. Patents, including: patentable subject matter; ownership and scope of patents in the UK; patents and biotechnology.
6. Registered trade marks, including: the definition of "trade mark" and challenges posed by non-traditional trade marks such as scents, sounds, shapes or colours. distinctiveness; absolute and relative grounds for refusing registration; infringement.
7. Passing off, including: the definition of “goodwill”, traditional and extended passing off actions; character and personality merchandising.

**Module Format**

The course will meet for 1.5 hours each week. Students will be provided with a combined reading guide and a lecture outline for each subject dealt with in the course. Teaching on the course will be a mixture of lectures and class discussion.

**Assessment**

The course will be assessed by way of a research essay task (accounting for 50% of final grade); and a three-hour open book exam (accounting for the other 50%).

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| **Assessment Type** | **Date** | **Weighting** |
| Research Essay Task:   * Students will be required to submit a 1,000 word essay plan by the beginning of the Spring term. * Students will receive formative feedback on their essay plans by Reading Week. * Students will be required to submit your final 3,500 word essay and a 500 word report in which they will be asked to reflect on their learning process after the end of the Spring term. | January  April | 50% |
| Three-hour open book exam | May | 50% |

**Suggested Introductory Reading**

The recommended textbook will be:

* L. Bently and B. Sherman, *Intellectual Property Law* (Oxford University Press, 4th ed., 2014).

***Students will also be required to purchase one of the available edited collections of statutes. The full reading list will be issued at the beginning of the year, but the following is a selection of what may be relevant to the course:***

* J. Gaines, *Contested Culture: the image, the voice and the law* (University of North Carolina Press, 1991).
* C. Lury, *Cultural Rights: Technology, legality and personality* (London: Routledge, 1993)
* P. Drahos and J. Braithwaite, *Information Feudalism: Who Owns the Knowledge Economy?*
* (London: Earthscan Publications, 2002).
* L. J. Murray, S. T. Piper and K. Robertson, *Putting Intellectual Property in its Place: Rights Discourses, Creative Labor, and the Everyday* (Oxford University Press, 2014). [available at Oxford Scholarship Online, through Birkbeck eLibrary].

# INTERNATIONAL CRIMINAL JUSTICE

**LALA109H6**

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| --- | --- |
| **Department** | **Criminology** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Bill Bowring** |
| **Email** | [**b.bowring@bbk.ac.uk**](mailto:b.bowring@bbk.ac.uk) |

**Aims and Objectives**

Should Tony Blair, Donal Rumsfeld, Vladimir Putin be put on trial in the International Criminal Court (ICC)? And is the ICC fit for purpose?

After the Nuremburg and Tokyo trials following World War II, international criminal justice appeared to have stalled. Provisions for ‘universal jurisdiction’ for the prosecution of war crimes, crimes against humanity, genocide, and torture were scarcely implemented. But the 1990s saw the birth of a huge, complex and growing new field of criminal law, with the creation by the United Nations of the International Criminal Tribunal for former Yugoslavia (ICTY) in 1993 and the International Criminal Tribunal for Rwanda (ICTR) in 1994, and the adoption in 1998 of the Rome Statute of the ICC.

The ICC is based on an international treaty, which has now been joined by 123 countries. Out of them 33 are African States, 19 are Asia-Pacific States, 18 are from Eastern Europe, 28 are from Latin American and Caribbean States, and 25 are from Western European and other States.. However, China, India, Russia and the USA have so far refused to join, challenging the effectiveness of the new institution.

In its focus for so long on Africa, has the ICC been guilty of double standards?

At the present time a number of African states have for these reasons stated their intention to leave. Does this threaten the continued existence of the Court? And see Mark Kersten “How Three Words Could Change the ICC-Africa Relationship”, 9 May 2017, at <https://justiceinconflict.org/2017/05/09/how-three-words-could-change-the-icc-africa-relationship/>

The ICC Prosecutor, Fatou Bensouda (from Gambia) has now launched preliminary examinations of the situations in Georgia (as a result of the 2008 war with Russia); Crimea and Eastern Ukraine; Gaza, and the UK’s activities in Iraq. What is the significance of these developments?

Students taking this module will engage with international criminal justice historically, theoretically, and critically. First, students will examine the historical origins of the fundamental principle of international criminal law – individual criminal responsibility – and trace the development of the international criminal tribunals that apply that principle. Second, students will learn to evaluate the core theoretical assumptions of the subject, focusing in particular on the rationales for punishment (retribution, creating a historical record, promoting peace and reconciliation, etc.) and for the creation and operation of international criminal tribunals. Third, the course will engage critically with the core theoretical assumptions of international criminal justice. Students will ask whether alternatives to international trials might better achieve justice and reparation.

Seminars will discuss topics including:

* The concept of individual criminal responsibility for violations of international law
* The history of international criminal tribunals
* Core crimes, such as war crimes, crimes against humanity, genocide, and aggression
* Modes of participation, such as orders and command responsibility
* Defences, such as superior orders
* Jurisdiction to prosecute international crimes
* The national prosecution of international crimes
* The context within which the substantive law operates, examining matters such legal procedure, evidence, and fair trial rights
* Palestine, Israel and the ICC

**Module Format**

The course will be conducted through weekly seminars. Visiting lecturers may be invited to contribute their specialist expertise and experience. In previous years a young barrister, Josh Kern, with experience in the war crime court in Cambodia, has led a popular seminar. He will be invited again. Each seminar will begin with a short introduction to the topic under consideration and its key issues and problems; students will be encouraged to make short presentations. Participation by all students will be mandatory. A full Course Outline will be sent to all students at the start of the course. Seminar materials and lists of further readings, other than those already included in the Course Outline, will be issued from week to week. Extensive materials are placed on Moodle.

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4500 words | April | 100% |

**Indicative Reading**

**Textbook**

* Guilfoyle, D International Criminal Law (OUP, 2016, about £37) – this is a completely new and highly rated student-friendly textbook, and comes with an excellent online resource at [www.oxfordtextbooks.co.uk/orc/guilfoyle/](http://www.oxfordtextbooks.co.uk/orc/guilfoyle/)

**Other textbooks**

* Cryer, R, Friman, Robinson and Wilmshurst An Introduction to International Criminal Law and Procedure (3rd edition, CUP, 2014)
* Cassese, A and Gaeta Cassese's International Criminal Law (3rd edition, OUP, 2013)
* Werle, G and Jeßberger International Criminal Law (3rd edition, OUP, 2014)
* Bosco, D Rough Justice: The International Criminal Court in a World of Power Politics (OUP USA, 2015)
* Heller, K J The Nuremberg Military Tribunals and the Origins of International Criminal Law (OUP, 2011)
* Critical articles
* Kaleck, W Double Standards: International Criminal Law and the West (Torkel Opsahl Academic EPublisher, Brussels, 2015) free of charge at
* https://www.legal-tools.org/uploads/tx\_ltpdb/FICHL\_PS\_26\_web.pdf
* Krever, T “International Criminal Law: An Ideology Critique” Leiden Journal of International Law, Vol. 26(3), 2013 at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2261148
* Argues that the triumphalism surrounding ICL and its adequacy to deal with conflict and violence ignores the factors and forces — including specific international legal interventions in countries’ political-economies — that shape or even help establish the environment from which such conflict and violence emanates. In uncritically celebrating ICL and equating it with a pacific international rule of law, ICL scholarship risks shaping passive acquiescence in the status quo and discouraging more through-going efforts to address the systemic forces underlying instances of violence, including political-economic forces shaped by international legal institutions.
* Krever, T “Dispensing Global Justice” (2014) New Left Review 85: 67-97. At http://newleftreview.org/II/85/tor-krever-dispensing-global-justice
* Damaska, M “What is the Point of International Criminal Justice?” (2008). Yale Faculty Scholarship Series. Paper 1573. At http://digitalcommons.law.yale.edu/fss\_papers/1573/
* Clapham, A “Extending International Criminal Law beyond the Individual to Corporations and Armed Opposition Groups” Journal of International Criminal Justice 6 (2008), 899-926

# INTERNATIONAL ECONOMIC LAW AND DEVELOPMENT

**LALW027H6**

|  |  |
| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Fiona Macmillan** |
| **Email** | [**f.macmillan@bbk.ac.uk**](mailto:f.macmillan@bbk.ac.uk) |

**Aims and Objectives**

This module provides an introduction to the institutions and actors of international economic law. The module focuses on the international law of development, examining the competing models of development that operate under the auspices of the United Nations, the World Bank, the International Monetary Fund and the World Trade Organization. This material will be considered in the theoretical context of the relationship between law and political economy.

The aims of the module are:

* To introduce students to the study of international economic law as a discipline within the area of international law more generally.
* To examine the institutions and actors of international development law.
* To explore the concept of legal transnationality.
* To interrogate the engagement between international economic law and political economy.

**Module Format**

Seminars will be held once a week, in which the following topics will be considered:

1. Introduction to the system of international economic law
2. Political economy and the law
3. Development and de-colonization
4. Development in the United Nations framework
5. The World Bank
6. The International Monetary Fund
7. The World Trade Organization
8. Non-state actors
9. The political economy of development law
10. Development as transnational law?

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 4000 words | January | 100% |

**Indicative Reading**

* Donatella Alessandrini, Developing Countries and the Multilateral Trade Regime: The Failure and Promise of the WTO’s Development Mission (Hart 2010)
* Antony Anghie, B S Chimni, Karin Mickelson and Obiora Okafor (eds), The Third World and International Order: Law, Politics and Globalization (Martinus Nijhoff 2003)
* Giovanni Arrighi, Beverley J Silver and Benjamin D Brewer, “Industrial Convergence, Globalization and the Persistence of the North-South Divide” (2003) 38 Studies in Comparative Economic Development 3
* Graham Dunkley, The Free Trade Adventure: The WTO, the Uruguay Round & Globalism – A Critique (Zed Books 2001)
* Gustavo Esteva, “Development” in Wolfgang Sachs (ed.), The Development Dictionary: A Guide to Knowledge as Power (Zed Books 2009)
* Julio Faundez and Celine Tan (eds), International Economic Law, Globalization and Developing Countries (Edward Elgar, 2010)
* Richard Peet, Unholy Trinity: The IMF, World Bank and the WTO (Zed Books 2003)
* John Linarelli, Margot E Salomon & Muthucumaraswamy Sornarajah, The Misery of International Law: Confrontations with Injustice in the Global Economy (Oxford University Press, 2017)
* Fiona Macmillan, “Critical Law and Development” in Emilios Christodoulidis, Ruth Dukes & Marco Goldoni (eds), Research Handbook on Critical Legal Theory (Edward Elgar, 2018)
* Jan Nederveen Pieterse, “My Paradigm or Yours? Alternative Development, Post-Development, Reflexive Development” (1998) 29 Development and Change 343
* Sundhya Pahuja, “Technologies of Empire: IMF Conditionality and the Reinscription of the North/South Divide” (2000) 13 Leiden Journal of International Law 749
* Lucia Pradella and Thomas Marois (eds), Polarising Development: Alternatives to Neoliberalism and the Crisis (Pluto 2015)
* B. Rajagopal, International Law From Below: Development, Social Movements, and Third World Resistance Cambridge (CUP 2003)

# MENTAL HEALTH LAW AND CRIMINAL JUSTICE

**LALW021H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Elena Loizidou** |
| **Email** | [**e.loizidou@bbk.ac.uk**](mailto:e.loizidou@bbk.ac.uk) |

It is suggested that something like 15% of incidents dealt with the police relate to people that are suffering from some form of mental distress. It is also reported that a large number of the prison population are also suffering from mental illness. Given therefore the statistical correlation between mental distress and crime a course that looks at Mental Health Law and Policy from a critical perspective is important. In this module we will be studying the ways in which the police and the court systems relate to mentally distressed alleged perpetrators and we will be assessing to what extent the legal provisions, the police and the court system are able to provide support and fairness to them. The module will take a historical and critical perspective familiarising the students with the 19th century origins of the contemporary regulation of mental distress and will simultaneously questioning the possibility of law providing justice to the category of the mentally distressed offenders. We will be studying closely the Mental Health Act of 1983 (as amended), case law, policy documents and academic discussions.

This module aims to offer an understanding of how Mental Health Law operates in relation to the mentally distressed offender. Students are introduced to the history of crime and insanity in England and Wales, to the history of the birth of the Asylum (later on psychiatric hospital) as a special place to hold the mentally disorder offenders as well as the policing and court provisions for the mentally distressed offender. The module offers a sustained critical perspective through the scrutiny of law, police and court practices as well as our prejudices around the mentally distressed individual.

**Assessment**

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| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 3500 words | April | 100% |

**Indicative Reading**

* P Bartlett & R Sandland, (2014) Mental Health Law. Policy and Practice, Oxford University Press.
* J. Peay, (2011) Mental Health and Crime, Routledge.
* L. O. Gostin, (2010) Principles of Mental Health and Policy, Oxford.
* H. Brenda, (2010) Mental Health Law, Sweet & Maxwell.
* M. Foucault, (2000) “About the Concept of the ‘Dangerous Individual’ in Nineteenth-Century Legal Psychiatry” in Michel Foucault Power vol.3,Penguin Press.
* M. Foucault, (2003) Abnormal, Picador.
* M. Foucault, (2006) Hisotry of Madness , Routledge.
* N.Walker, (1968) Crime and Insanity in England ,Edinburg University Press.
* R.Porter (2006) Madmen: A Social History of Madhouses, Mad-Doctors and Lunatics , The History Press.

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# Mooting And Trial Skills

**LALW055H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Bill Bowring & Kojo Koram** |
| **Email** | [**k.koram@bbk.ac.uk**](mailto:k.koram@bbk.ac.uk) |

**Aims and Objectives**

The module will provide students with the experience of competitive mooting, which has become a key skill for LLB/LLM/GDL students seeking to enter the legal professions. Students will gain important legal practice experience, drawing from core areas of the law degree, namely Criminal, Constitutional and Administrative Law as well as other modules such as Evidence. In this module students will get the opportunity to develop legal reasoning through preparation, oral argument, presentation and acquisition of the skills for internal moots, mock trials, and external and national mooting competitions.

During the course, students will work on a Moot problem and Trial in the following steps:

* Key skills in oral advocacy, including presentation, public speaking etc.
* Taking the brief and understanding the case.
* Care theory and preparation.
* The use and value of evidence in criminal trials.
* How to utilise citations and the legal framework to support legal reasoning in a civil case/Moot.
* How to make submissions effectively.
* Examination and Cross Examination in Criminal Trials.
* Professional ethics and the morals of legal representation.
* Drafting skeleton arguments, written submissions and draft orders.
* Drafting advice on evidence and prospects of success.
* The Moot and Mock Trial competition.

**Module Format**

The course will be conducted by means of weekly seminars, in which discussion will be an important feature.

**Assessment**

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| **Assessment Type** | **Weighting** |
| Moot Performance; Mock trial performance | 50% |
| Moot skeleton argument; Criminal advice on evidence; Moot case analysis and advice | 30% |
| Mock Trial written Plan; conference with client; Criminal Advice on appeal against conviction and sentence; Public law advice on appeal. | 20% |

**Reading**

The full reading list will be published later in the year.

# ORGANISED CRIME IN CONTEMPORARY SOCIETY

**LALA197H6**

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| --- | --- |
| **Department** | **Criminology** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Steven Hutchinson** |
| **Email** | [**s.hutchinson@bbk.ac.uk**](mailto:s.hutchinson@bbk.ac.uk) |

Over the past several decades, organized crime has become an acute problem for contemporary societies. Governments throughout the world now continuously look for new ways of confronting its diverse forms, and mitigating its various harms. Across Europe and in the United Kingdom, as well as in North America and other Western jurisidctions, the problem of organized crime has moved steadily upwards on the national security agenda, such that it is no longer seen as merely a problem of domestic ‘law and order’ but rather one which threatens the very existence of modern liberal states. As a consequence, increasing government and scholarly attention has focused upon trying to understand the nature, extent and forms that organized crime takes in contemporary Europe, as well as the different sorts of harms it generates. This module will provide you with an opportunity to learn about and critically explore one of the most pressing national security concerns of the 21st century, including the complex criminal groups that engage in organized crime, the effects that such activities have upon different individuals, communities, and societies, and the ways in which the United Kingdom and her allies seek to address them.

The module aims to provide students with a comprehensive introduction to organized crime in the contemporary world, including what we know about it, how we study it, and what is being done to counter it. Students will be led through a series of topics set out in a logical sequence that will provide them with a critical understanding of organized crime and its diverse contemporary manifestations. This will include: the different academic approaches to understanding and studying organized crime; the key characteristics of organized crime groups and the types of crimes they typically engage in; the nature and extent of current research on organized crime in Britain, Europe and beyond; several well-known theories of organized criminal behaviour; how we police and prosecute organized crime in Britain and in Europe more widely; and the nascent problem of ‘transnational organized crime’.

**Main topics**

**(1) Introduction & Overview of Module**

(i) Understanding Organized Crime – Complex Criminal Organisations or Crimes with an Organizational Component?

(ii) Characteristic Organized Crimes

(iii) Contemporary Organized Crime Groups

**(2) Models & Typologies of Organized Crime**

(i) Albanese’s 3 Part Typology of Organized Crime

(ii) The Rise of the Criminal ‘Network’

(iii) Case Study I – *To Be Determined by Student Vote*

(iv) Case Study II – *To Be Determined by Student Vote*

**(3) Policing Organized Crime**

(i) Her Majesty’s *Serious and Organised Crime Strategy*

(ii) Intelligence, Surveillance and the National Crime Agency

**(4) Prosecuting Organized Crime**

(i) Targeting the Take: Proceeds of Crime Laws and Anti-Money Laundering Initiatives

(ii) Finance-Oriented Crime Control

(iii) The Admissibility of Evidence and Threats to Jurors and Witnesses

**(5) Transnational Organised Crime**

(i) Understanding and Confronting Transnational Organized Crime

(ii) Policing Transnational Organized Crime

**Module Format**

Weekly 1.5 hour seminars

**Assessment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3000 words | 4000 words | January | 100% |

**Indicative Reading List**

* L. Paoli (ed.) (2014) *The Oxford Handbook of Organized Crime.* Oxford: Oxford University Press.C.
* Fijnaut and L. Paoli (2004) (Eds.) *Organized Crime in Europe: Concepts, Patterns and Control Policies in the European Union and Beyond*. Springer.
* L. Campbell (2013) *Organised Crime and the Law: A Comparative Analysis*. Oxford: Hart Publishing.
* J. Albanese (2015) *Organized Crime In Our Times*, 6th Edition. Anderson Press.
* D. Hobbs (2013) *Lush Life: Constructing Organized Crime in the UK*. Clarendon Studies in Criminology.
* J. Albanese and P. Reichel (eds.) (2014) *Transnational Organized Crime: An Overview from Six Continents*. London: Sage.
* J. Sheptycki (ed.) (2014) *Transnational Organized Crime* (4 Volumes). London: Sage.

# PRIVATE INTERNATIONAL LAW

**LADD065H6**

|  |  |
| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Kumari Lane** |
| **Email** | [**s.lane@bbk.ac.uk**](mailto:s.lane@bbk.ac.uk) |

**Aims and Objectives**

Private International Law (or Conflict of laws, as it is alternatively known) deals with the problems that can be faced by a court when considering a case which has a foreign element. This subject is of increasing importance in the context of the processes of economic globalisation.

When Betty from Barbados and Iqpal from Exeter make a contract in London, or are involved in an accident caused by negligence in Venezuela, any litigation arising from their behaviour will involve the application of private international law. If Betty and Iqpal ask you for advice after you have completed this course, you should be able to answer the following questions for them:

* Which courts can hear their case?
* Which national law will the court apply to the case?
* Where, and to what extent, can they rely upon and enforce the judgment in their case?
* What are the practical implications of these answers for Betty and Iqpal?

Private international law rules differ between nation states. We will concentrate on those used in England.

**Topics**

* Domicile and other personal connecting factors:
* How Private International Law rules seeks to link or allocate individuals to jurisdictions and laws.
* *Renvoi* and the exclusion of foreign law:
* The extent to which the applicable law pointed to by private international law rules will actually be applied by the English courts.
* Establishing jurisdiction under the common law and the Brussels regime:
* The rules for determining which court has jurisdiction to hear a case under the common law and the Brussels regime, and the Brussels Recast Regulation in particular.
* Staying and restraining proceedings:
* How parties can escape from otherwise good jurisdiction (by asking for English proceedings to be stayed, or foreign proceedings to be restrained) under the common law and the Brussels regime.
* Forum shopping, *forum non conveniens* and globalisation:
* Why and how the practice of forum shopping, and the principle of *forum non* *conveniens* in particular, can be used and abused.
* Foreign judgments under the common law and the Brussels Regime:
* How and to what extent a foreign judgment will be recognised and enforced under the common law and the Recast Regulation rules.
* Choice of law in contracts:
* How the English courts determine what law is applicable to a contract under the Rome I Regulation rules.
* Choice of law in torts:
* How the English courts determine what law is applicable to torts under the Rome II Regulation

**Module Format**

The course will be taught by weekly seminars.

**Assessment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | N/A | 3000 words | April | 100% |

**Indicative Reading**

* Cheshire, North and Fawcett*: Private International Law* (15th edn. ed. Paul Torreman et al OUP 2017)

# SPACE LAW

**LALA192H6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **15** |
| **Term** | **Autumn** |
| **Convenor** | **Damian Bielicki** |
| **Email** | [**d.bielicki@bbk.ac.uk**](mailto:d.bielicki@bbk.ac.uk) |

**Aims and Objectives**

In this module we will look into the legal regime governing outer space and its implications on scientific and technological developments. The course will also focus on how the recent technological developments influence the development of space law and policy. The course will start with the analysis of development of space law and fundamental principles applicable to outer space, and then goes on to look into the legality of some of the recent developments like the claim of sovereignty and property rights over the outer space and celestial bodies, sale or leasing of orbits and spectrums, human habitation in outer space, militarisation and weaponisation of space, plans to conduct inventions in outer space and increasing private space activities, including space tourism. Apart from the legal developments on the international level, the module will also cover the developments of space law at national level by analysing the laws passed by some of the space-faring nations. There are no pre-requisites, although interest in space exploration will be useful.

**Main Topics of Study**

1) An Introduction to Space Law (historical background, basic definitions, major treaties, documents and bodies governing space activities, information on career in the space sector - space law jobs)

2) National space legislations and policites and the European Space Program.

3) Space Colonisation

4) Data Applications (satellite telecommunications fundamentals, remote sensing and direct-broadcast satellite television)

5) Contracting for Space (typology of contracts in the space sector)

6) Space, Industry and Society (astrobiology, space tourism, space weddings and hotels, crowdfunding of space activities)

7) Legal Aspects of Militarisation and Weaponisation of Space

8) Environmental Aspects of Space Activities (space debris, planetary protection)

9) Science fiction, space and law

10) International collaboration and Space Activities (case studies, International Space Station, miniaturised satellites, dispute settlement)

**Module Format**

One 90 minute session per week. During the lecture we will also have a group discussion and an analysis of specific aspects of the discussed topics.

**Assessment**

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| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Essay | 3500 words | 4000 words | January | 100% |

Students will be given five different topics and will be asked to select one for their assignment.

**Reading**

F. Lyall, P.B. Larsen, *Space Law: A Treatise*, 2nd ed., Routledge 2018

# UNDERGRADUATE DISSERTATION

**LADD049S6**

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| --- | --- |
| **Department** | **Law** |
| **Credits** | **30** |
| **Term** | **Autumn & Spring** |
| **Convenor** | **Başak Ertür** |
| **Email** | [**b.ertur@bbk.ac.uk**](mailto:b.ertur@bbk.ac.uk) |

**Aims and Objectives**

The Undergraduate Dissertation module is a full year module that culminates in the final production of a 10,000 word dissertation. This is a research-based module in which students attend three seminars on research skills and work closely with an individual supervisor in the development of their dissertation. This module provides an excellent opportunity for students who wish to engage in an in-depth research project on a topic they have a strong interest in, and provides valuable experience for those who wish to pursue further academic study after the LLB or BSc Criminology and Criminal Justice. Admission on the module is at the discretion of the School – please see below under “Enrolling on the Module” for prerequisites for admission.

**Teaching and Learning Format**

One-on-one tuition with a chosen or allocated supervisor and three Research Skills Seminars delivered in Autumn and Spring terms.

**Assessment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Dissertation | N/A | 10,000 words including explanatory footnotes, excluding bibliography and appendices | April | 100% |

**Non-Assessed Compulsory Components**

There are several, non-assessed compulsory components in the module. These include a Research Proposal (distinct and more detailed than the Research Statement) submitted in the first term, and a first draft of the dissertation submitted in the second term.

**Observing courses**

Dissertation students have the option to observe (without being assessed) any course in their programme which is relevant to their dissertation. Students who wish to pursue this option should contact the relevant course tutor in advance.

**Contacts**

For information on the process for admittance onto the module, or for general information, please contact the module convenor, Başak Ertür. Once on the module your supervisor should be your primary point of contact for questions relating to the research and writing of your dissertation.

**Enrolling on the Module**

Writing a Dissertation is a difficult, but potentially highly rewarding, task. You will need to be more independent than at any other stage of you studies at Birkbeck. A Dissertation is submitted in lieu of a taught subject (The Regulations allow a law student to submit a dissertation in lieu of one full subject required by Regulation 7.1.). You are expected to devote as much time to researching and writing your Dissertation as you would to a taught course.

This Module is available at the discretion of the School. It is generally expected that students should be on a minimum 2.1 trajectory for admittance on the module as demonstration of strong writing skills are essential. The support and availability of an appropriate supervisor is essential to enrolment on the module.

# Important Information

To be considered for enrolment on the module, you will need to submit your Research Statement and confirmed or proposed supervisor(s) to the module convenor. This must be done prior to the commencement of the academic year in which you will be taking the module.

**The Research Statement**

The Research Statement should be approximately 500 words and include a description of the central research question you envision addressing in your research. This will need to be sent to the module convenor, Basak Ertur, before you can enroll on the module. This must be done before the beginning of the academic year, 2019-20, latest by Friday 27 September 2019. The Research Statement is non-assessed.

**Finding an Appropriate Supervisor**

Visit faculty profiles on the School Website <http://www.bbk.ac.uk/law/about/ft-academic>

Contact the potential supervisor directly to discuss your project and potential supervision.

Although it is advisable to already have the support of a supervisor at the time of submitting your research statement to the module convenor, you may also list three potential supervisors in order of preference. This way the module convenor can help you in identifying appropriate members of staff to approach. Enrolment on the module cannot be confirmed until a member of the faculty has agreed to supervise the project.

# WHITE COLLAR & CORPORATE CRIME

**LALA178H6**

|  |  |
| --- | --- |
| **Department** | **Criminology** |
| **Credits** | **15** |
| **Term** | **Spring** |
| **Convenor** | **Sappho Xenakis** |
| **Email** | [**s.xenakis@bbk.ac.uk**](mailto:s.xenakis@bbk.ac.uk) |

**Aims and Objectives**

* To equip students with an appreciation of the political, social and financial costs of white-collar crime, as well as the particular challenges that exist to its effective detection, measurement and interdiction;
* To enable students to recognise and engage with the political, social and economic considerations that shape policies towards white-collar and corporate crime;
* To provide a wide-ranging research-led module that provides a rounded introduction to key literature and debates in the field from an international comparative perspective.

**Syllabus**

WEEK 1. Introduction to White-Collar Crime

In the first session, we consider the development of the study of white-collar crime within the field of Criminology, and address debates about what constitutes white-collar crime and what distinguishes it from the category of common crime.

WEEK 2. Causes of White-Collar Crime

This week we explore explanations for the causes of white-collar crimes, ranging from those focused on the individual to those placing responsibility on culture, and compare these with prevalent theories of causation applied to common forms of crime.

WEEK 3. Petty Corruption

In the third session, we examine what is regarded to be a scourge in many parts of the world, considering how, why, and to what extent, petty corruption is regarded as both a socio-economic menace and as a crime in different societies across the world.

WEEK 4. Grand Corruption

This week’s session uses topical case studies to explore key forms of grand corruption and related debates concerning the degree to which such acts can and should be criminalised.

WEEK 5. White-Collar Crime in the Private Sector

This session explores white-collar crime through the prism of occupational deviance, using case studies to consider the motivations that lie behind it, the point at which occupational deviance is criminalised, and the range of sanctions used to tackle white-collar crime in different working environments.

WEEK 6. Corporate Crime

The conditions and environments that have appeared to be particularly conducive to the emergence of corporate conspiracies are the subject of this week’s session, leading us to focus on key forms of corporate crime, from price-fixing and tax evasion to bribery, environmental crimes, and human rights abuses.

WEEK 7. Money Laundering

In this session we consider the criminalisation of money laundering, core debates concerning the harms associated with it, and draw on recent highly publicised case studies to explore the reasons why it occurs and the difficulties involved in reducing its prevalence.

WEEK 8. White-Collar Crimes and the Economy

The starting point for this week’s session will be reviewing research on the relationship between white-collar crimes and the business cycle, and the session will go on to explore the debates that surround the relationship between white-collar crime and national economic advancement more generally.

WEEK 9. Tackling White-Collar Crimes

The final session brings together the different forms of white-collar and corporate crimes to have been addressed throughout the course in order to review in more detail the range of strategies used to counter white-collar and corporate crimes as well as the key challenges that states and societies face in seeking to do so.

**Assessment**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Assessment Type** | **Level 5** | **Level 6** | **Date** | **Weighting** |
| Class presentation (including hand-out) | N/A | 7-10 mins | TBC | 20% |
| Essay | N/A | 3000 words | April | 80% |

**Indicative Reading**

* Nelken, D. (2007) White Collar and Corporate Crime. In: Maguire, M. et al., eds, *The Oxford Handbook of Criminology*. Oxford: Oxford University Press, pp.733-765.
* Snider, L. (2009) Accommodating Power: The ‘Common Sense’ of Regulators. *Social & Legal Studies.* 18(2), pp. 179-197.
* Tillman, R. (2009) Making the Rules and Breaking the Rules: The Political Origins of Corporate Corruption in the New Economy. *Crime, Law and Social Change.* 51(1), pp. 73-86.