

# LA129-30 Law, State and the Individual

**23/24**

**Department**

School of Law

**Level**

Undergraduate Level 1

**Module leader**

Daniel Matthews

**Credit value**

30

**Module duration**

20 weeks

**Assessment**

100% coursework

**Study location**

University of Warwick main campus, Coventry

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## Description

### Introductory description

This foundational module aims to offer students an introduction to the relationship between Law, State and Individual. It explores some of the basic conceptual underpinnings of this relationship (legal, political and philosophical) as well as situating key texts and theories within multiple institutional and clinical contexts.

### Module aims

In giving attention to related sources of law (like Acts of Parliament, common law rules, conventions) and foundational concepts (like the legislative supremacy of Parliament, the rule of law and separation of powers), the module aims to emphasise critical reading and understanding of academic material and legal texts (cases and statutes), and also the dynamic extra-legal dimension of politics and economics that give rise to legal contestation in the first place.

The module further aims to familiarise the student with the purposes, limits and possibilities of legal language and methods and thereby approach essay writing and real-world problem solving with greater autonomy and self-confidence.

The module will also provide a critical overview of the institutional and theoretical aspects of the law, alongside a deeper appreciation of its relationship to state and individuals. Student understanding of subject areas will be developed through a mixture of participatory and problem based exercises, workshops, and more orthodox lecture and seminar work. Students will thereby

be able to develop and test their theories, knowledge and practical legal skills.

## Outline syllabus

This is an indicative module outline only to give an indication of the sort of topics that may be covered. Actual sessions held may differ.

Indicative topics to be covered in the problems set and various lectures are:

1. The nature of public law (including versus private law and international law) and the principles underpinning it
2. The nature of democracy (as opposed to other regimes) and the potential for protest or opposition to power exercised by democratic government
3. The relationship between public law, economics and politics
4. Constitutionalism and the sources of the British Constitution with consideration of its historical and colonial contexts
5. The fundamental theoretical concepts that underlie public law (and, in turn, the relationship between the individual and the state), including the rule of law, accountability, the separation of powers, and in the UK, parliamentary sovereignty
6. Multi-layered government (the EU, devolution and local government)
7. The protection of human rights (including the Human Rights Act 1998)
8. Introduction to judicial review, including the grounds for such review, as a legalised remedy for the abuse of power
9. Introduction to administrative justice (tribunals, inquiries, ombudsmen)

The topics will complement those included in Understanding Law in Context

## Learning outcomes

By the end of the module, students should be able to:

- Demonstrate a basic knowledge and critical understanding of public law (administrative and constitutional), and its pivotal role in the relationship between individual and state
- Demonstrate knowledge and understanding of key institutions, procedures and sources of public law (distinguishing it from private and international law)
- Demonstrate understanding of basic concepts, values and principles associated with constitutional and administrative law, and an ability to identify these in multiple contexts outside more orthodox court or legal settings
- Show knowledge and understanding constitutional and administrative law as a dynamic area entailing continuous contestation and development
- Think systematically about the wider relationship and reciprocal influences between law, politics and society with particular emphasis upon law, state and individual
- Independently relate contemporary events or new problem based situations and cases to themes addressed in the module

## Indicative reading list

To be determined closer to the date of delivery (i.e. not before October 2021)

## Research element

Conduct research into problems and legal cases both individually and as part of a small group

## Interdisciplinary

Students will need to explore political and philosophical texts and apply to the notion of public law as a constitutional foundation.

## International

The influence and impact of international law, institutions and practices in UK public law will be addressed as elements of the problem and case based scenarios included in the module.

## Subject specific skills

Written and oral presentation skills in relation to public law

Legal research

Legal writing

## Transferable skills

Written and oral presentation skills

Critical analysis

General research

Collaborative working and team work

Oral presentation

Writing in various genres

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## Study

### Study time

Type	Required
Lectures	8 sessions of 1 hour (3%)
Seminars	36 sessions of 1 hour (12%)
Private study	214 hours (71%)
Assessment	42 hours (14%)
Total	300 hours

### Private study description

Individual and group preparation for problem and case based learning in seminars.

## Costs

No further costs have been identified for this module.

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## Assessment

You do not need to pass all assessment components to pass the module.

### Assessment group A2

	Weighting	Study time	Eligible for self-certification
<b>Assessment component</b>			
Group poster presentation on Devolution or Brexit	20%	9 hours	No
Working in groups students will design and produce a research poster on one of the issues introduced in the seminars in weeks 7-10, term 1. Posters will be presented with a Q&A in week 10.			
<b>Reassessment component</b>			
Reassessment essay for poster			No
Students who have failed to pass the course overall will be re-assessed on those elements of assessment that they have failed. An essay of 1000 words will be used to re-assess the poster presentation.			
<b>Assessment component</b>			
Individual reflection on the group poster presentation	15%	8 hours	No
Students will reflect on the work they completed for their group poster presentation. Students will have the opportunity to expand and/or critique the argument developed in the group project and reflect on the work they completed for this project.			
<b>Reassessment component</b>			
Reassessment for Individual			No

	Weighting	Study time	Eligible for self-certification
reflection on the group poster presentation			
Students who have failed to pass the course overall will be re-assessed on those elements of assessment that they have failed. An essay of 1000 words will be used to re-assess individual reflection on the group poster presentation.			
Assessment component			
Case note - judicial review	25%	11 hours	No
Students will write a case note that summarises and evaluates a case related to material covered in week 1-6, term 2).			

Reassessment component is the same

Assessment component

Final coursework essay	40%	14 hours	No
Students will submit a final coursework essay.			

Reassessment component is the same

## Feedback on assessment

Feedforward will be provided throughout term 1 as seminar tutors comment on and guide the group projects. Written feedback will be provided on all assessment components. A formative assessment will be set in term 2.

## Availability

### Post-requisite modules

If you pass this module, you can take:

- LA3B6-15 Cinematic Explorations of Public Law
- LA3B5-15 Judicial review and administrative justice

## Courses

This module is Core for:

- Year 1 of ULAA-ML34 BA in Law and Sociology (Qualifying Degree)
- Year 1 of ULAA-M130 Undergraduate Law
- Year 1 of ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
- Year 1 of ULAA-M131 Undergraduate Law (4 Year)
- Year 1 of ULAA-M106 Undergraduate Law (4 year) (Qualifying Degree)
- Year 1 of ULAA-M132 Undergraduate Law (Year Abroad)
- Year 1 of ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
- Year 1 of ULAA-M135 Undergraduate Law and Sociology
- Year 1 of ULAA-M133 Undergraduate Law with French Law
- Year 1 of ULAA-M10A Undergraduate Law with French Law (Qualifying Degree)
- Year 1 of ULAA-M134 Undergraduate Law with German Law
- Year 1 of ULAA-M10C Undergraduate Law with German Law (Qualifying Degree)
- Year 1 of ULAA-M136 Undergraduate Law with Humanities (3 Year)
- Year 1 of ULAA-M111 Undergraduate Law with Humanities (3 Year) (Qualifying Degree)
- Year 1 of ULAA-M113 Undergraduate Law with Humanities (4 Year) (Qualifying Degree)

This module is Core option list D for:

- Year 2 of UPHA-V7MW Undergraduate Politics, Philosophy and Law