

# LA128-30 Understanding Law in Context

**24/25**

**Department**

School of Law

**Level**

Undergraduate Level 1

**Module leader**

Maggie O'Brien

**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 provide students with a sound introduction to the study of Law at Warwick. It explores the meaning of Law in Context as a concept and approach. It will also incorporate an understanding of English legal method within the institutional context of the English Legal System and engage with the importance of legal theory in this regard.

Particular attention is given to considering sources of law, the techniques of reading critically both academic material and legal texts (cases and statutes), understanding legal rhetoric, the role of theory, and how to make an argument and essay writing.

These various aspects of the module will provide a critical overview of the machinery of justice at the heart of the English legal system and provide students with fluency in fundamental legal techniques and an understanding of law and theory. The subjects will be developed through participatory and problem based exercises in workshops (of approximately 20-25 (students) whereby students will have the opportunity to test and develop their fundamental legal skills as well as other core skills, which they will utilise throughout their legal studies. They will be complemented by regular lectures.

[Module web page](#)

## **Module aims**

### **KNOWLEDGE**

ULIC engages students with a variety of legal areas using a case study methodology; examples might include criminal law, property law, human rights, criminology and socio-legal studies. Each case study is designed to encourage critical thinking about the role, function and institutions of the law rather than developing in-depth knowledge of the subject. Case studies are designed to hone skills in reasoning, critical thinking and abstraction. Students learn about legal theory and the role of theory in academic discourse, how gender, race, class and sexuality affect legal processes and outcome, the operation of legal systems and the English system in particular, sources of law including human rights and international law as well as traditions, literature (academic and otherwise) and other forms of thought, and finally, the political, economic, historical, international, social and other contexts of law through the examination of particular cases and materials.

A key outcome of ULIC will be the acquisition of wide-ranging legal skills, including critical reading, case interpretation, problem-solving, producing scholarly arguments collaborative working and oral and written presentation.

### **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.

The problem based workshop format supported by regular focused lectures (addressing both the practices and theories of law) will address the following topics through problem based learning and a focus on real and constructed cases:

1. The meaning and value of law in context
2. Encountering gender, race, class and sexuality
3. The operation of legal systems and the English system in particular
4. Sources of law including human rights and international law as well as traditions, literature (academic and otherwise) and other forms of thought
5. Theories of law
6. Legal skills, their form and application: from critical reading and interpretation to problem analysis and solving to oral and written presentation.
7. Understanding the political, economic, historical, international, social and other contexts through the examination of particular cases and materials.

Each 'case' or 'problem' will provide the basis for exploring these issues by developing scenarios and providing the opportunity for students to engage with both theory and practice, allowing them to apply skills in this context whilst also analysing and reflecting on that application.

The lecture series will frame case studies and provide insight into the theories and practise of law. Twice weekly facilitated workshops will engage students in learning about these matters through group analysis of problems.

### **Learning outcomes**

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

- Ability to demonstrate good knowledge of Law in Context as a concept, including what can be learned from adopting such an approach in the analysis of law
- Ability to demonstrate knowledge and understanding of the English legal system, including its institutions, procedures and sources of law
- Demonstrate knowledge of the underlying concepts, values and principles associated with law, justice and ethics, and an ability to evaluate and interpret these within their multiple contexts
- Show knowledge and understanding of the cultural, political, social and philosophical underpinnings and contexts of the law
- Think systematically about the role of law in politics and society
- Develop written and oral presentation skills in the analysis, preparation and presentation of legal theory and philosophy
- Understand and critically evaluate the English Legal system
- Explain coherently current developments relating to the areas studied in the module
- Demonstrate good problem solving, research and writing skills, including analytical skills and the ability to construct and substantiate a comprehensive scholarly argument
- Demonstrate good discussion and communication skills, including the ability to work collaboratively with others
- Appreciate the role of legal theory in developing and framing argument

### **Indicative reading list**

Violence and the Word - Robert Cover

Storytelling for Oppositionists and Others: A Plea for Narrative Richard Delgado

Feminism and the Flat Law Theory - Margaret Davis

Learning legal rules: a students' guide to legal method and reasoning - Holland and Webb

Spatial justice: body, lawscape, atmosphere - Andreas Philippopoulos-Mihalopoulos

Undercover! The Secret Unravels - Paul Lewis/Rob Davies

The Police's Dirty Secret: Channel 4 Dispatches

Wilson v Commissioner of Police for the Metropolis and Others [2021] UKIPTrib IPT\_11\_167\_H

Human Rights and the Politics of Contestation - Michael Goodhart

Preventing Political Violence in Britain: An Evaluation of over Forty Years of Undercover Policing of Political Groups Involved in Protest - Stefano Bonino et ors

Spycops in context | Centre for Crime and Justice Studies - Clive Herring

Undercover policing and the spectre of 'domestic extremism': the covert surveillance of environmental activism in Britain - Ralph Schlemback

Sharpe, A, Sexual Intimacy, Gender Variance and Criminal Law (2016) 33(4) Nordic Journal of Human Rights 380-391

McCartney, Carole and Wortley, Natalie (2018) Under the Covers: Covert Policing and Intimate Relationships. Criminal Law Review, 2. pp. 137-156.

Kennedy C, Criminalising deceptive sex: sex, identity and recognition: (2021) Legal Studies, 41, 91–110

R v McNally [2013] EWCA Crim 1051, Court of Appeal

Concepts and Theories of Remedies -

Menkel-Meadow C, 'Restorative Justice: What Is It and Does It Work?' (2007) Ann. Rev. L. & Soc.

Sci. 161-187

The changing character of public inquiries in the (risk) regulatory state

Lawyers, Truth and the Zero-Sum Game - James Marshall

A critical introduction to law - Wade Mansell

The critical legal pocketbook - CLAW

Race and Colonialism: Legal Theory as 'White Mythology' - Margaret Davis

Introduction to jurisprudence and legal theory: commentary and materials - Anne Baron and others

Lloyd's Introduction to Jurisprudence - Michael Freeman

Jurisprudence: themes and concepts - Scott Veitch

Critical Race Theory (Third Edition) : An Introduction -

Abolition Geography and the problem of innocence - Ruth Gilmore

Are Prisons Obsolete? Angela Davis

Global lockdown: race, gender, and the prison-industrial complex - Julia Sudbury

Introduction - Feminist Legal Theory (Second Edition) Nancy Levit

What Is Carceral Feminism? Anne Tierwel

The answer to sexual violence is not more prisons from Feminism, Interrupted: Disrupting Power - Lola Olufemi

Are Prisons Obsolete? Angela Davis

From carceral feminism to transformative justice: Women-of-color feminism and alternatives to incarceration - Mimi Kim

Learning Legal Rules - Holland and Webb

Why follow precedent? Neil Duxbury

Moral Imagination in Judging - Susan Bandes

Richardson and another (Appellants) v Director of Public Prosecutions (Respondent) - The Supreme Court

Nero & Anor v Director of Public Prosecutions [2012] EWHC 1238 (Admin) (29 March 2012)

The Invisible Fence: An Exploration of Potential Conflict between the Right to Roam and the Right to Exclude

The new enclosure: the appropriation of public land in neoliberal Britain - Brett Christopher

Right to Roam - 99% Invisible

Manufacturing mandates: Property, race, and the criminalisation of trespass in England and Wales - Samuel Burgum

The hyper-regulation of public space: the use and abuse of Public Spaces Protection Orders in England and Wales - Kevin Brown

PODCAST: Radicals in Conversation - Trespass, the Commons and the Right to Roam - Nick Hayes

The fight for the right to roam in the English countryside – podcast

The book of trespass: crossing the lines that divide us - Nick Hayes

[View reading list on Talis Aspire](#)

## **Research element**

Legal research required into topics covered by problem based learning scenarios and cases

## **Interdisciplinary**

Students will consider some philosophical, political and other disciplines as they impact on law and

legal systems

## International

Students will consider the impact and influence of international legal standards and debates on the UK legal system

## Subject specific skills

Written and oral presentation skills in the analysis of case law.

Consideration, analysis and presentation of legal theory and philosophy.

Ability to navigate the Common Law system, and place legal decisions and institutions in a social, political and moral context.

Legal research

Legal analysis

Legal writing

Reading Caselaw and Statute

Reading complex philosophical and jurisprudential texts

## Transferable skills

Written and oral presentation skills.

Critical analysis.

Problem solving, research skills, including analytical skills and the ability to construct and substantiate a comprehensive scholarly argument.

Discussion and communication skills.

Working collaboratively with others.

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## Study

### Study time

Type	Required	Optional
Lectures	6 sessions of 1 hour (2%)	2 sessions of 1 hour
Seminars	36 sessions of 1 hour (12%)	2 sessions of 1 hour
Fieldwork	(0%)	1 session of 3 hours
External visits	1 session of 3 hours (1%)	
Online learning (independent)	(0%)	8 sessions of 30 minutes
Private study	225 hours (75%)	
Assessment	30 hours (10%)	
Total	300 hours	

### Private study description

Students will prepare for seminars in their small groups and individually, carrying out assigned readings, preparing for problem based learning exercise and case studies.

## Costs

Category	Description	Funded by	Cost to student
Field trips, placements and study abroad	Expenses for Court Visit - £750	Department	

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## Assessment

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

### Assessment group A2

	Weighting	Study time
Court Reflection	10%	5 hours
Court Visit Reflection: Students will arrange visits to a Courtroom and write a 750 word personal reflection which comprises 10% of portfolio mark. Submission in week 10/Term one Opportunity for Formative Feedback in Week 5/Term One Feedback Week2/Term Two		
Group Presentation and Personal Reflection	25%	7 hours
Students will upload a Group Video Presentation on Case Study X and write a short reflection(500 words) on their individual contribution to the project. The group presentation will receive a single mark for this element,. Students who do not contribute to the project will be disaggregated and marked individually on the 20 point scale.. The criteria for disaggregation will be consistent with module LA129, and will include, attendance, engagement, peer support and reflective piece.		
Judgment - [CASE STUDY Y]	30%	7 hours
A judgment exercise will be set comprising a factual situation to which the student must apply precedents drawn from the in-seminar case study. The word limit is 1250		
Critically analyse [CASE STUDY Z] using one selected theoretical frame.	35%	11 hours
Essay question will invite exploration of the theoretical foundations and frame of the selected case study.		

### Feedback on assessment

## Assessment Portfolio Breakdown.

Court Reflection: Opportunity for formative feedback provided in Week 7 e.g. draft submission on Tabula , comments and indicative mark. Week one Lawscape exercise gives opportunity for formative feedback. Summative Assessment Feedback provided through Tabula in Term One.

Group Presentation. Formative Feedback provided in preparation Seminar prior to summative submission. Formative feedback on oral presentation skills provided in case study debates. Summative Assessment Feedback provided through Tabula on presentation and reflective element.

Judgement; Opportunity for formative feedback in seminar, incorporating an in-seminar formative exercise and oral feedback. Opportunity to submit judgment plan for formative feedback. Summative feedback through Tabula post submission.

Essay: Opportunity for Formative Feedback on Essay plan in week 9/10(term 2) essay surgeries. Summative Feedback through Tabula following submission at end of Term Three

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## Availability

### Courses

This module is Core for:

- Year 1 of ULAA-M130 Undergraduate Law
- ULAA-M105 Undergraduate Law (3 year) (Qualifying Degree)
  - Year 1 of M105 Law (3 year) (Qualifying Degree)
  - Year 1 of M105 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)
- ULAA-M108 Undergraduate Law (Year Abroad) (Qualifying Degree)
  - Year 1 of M108 Law (Year Abroad) (Qualifying Degree)
  - Year 1 of M108 Law (Year Abroad) (Qualifying Degree)
- 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)