

Preparatory Reading for Law at Corpus Christi College, Oxford 2018

1. Introduction

Before starting your studies at Oxford, it is important for you to do some preparatory reading. You are about to embark on a rewarding and exciting journey into the complex world of law at university level. Reading in advance cannot remove all the surprises and challenges, but it can help to make the start easier and it should, with a bit of luck, get you even more excited about studying law (there is certainly a lot to be excited about). Think of the pre-reading a bit like picking up a travel guide before you go on holiday. You should be excited about going on holiday, it's a fun thing to do. Reading the guide does not diminish the views and joys of the trip, it might even add to it by helping you to get the most out of your arrival and early days. It might help you to land on your feet and to orientate you once you land. In particular:

1. **The Legal System.** You might gain an understanding of the UK legal system. There are some basic facts about the process of legislation and the courts which you might want to get a handle on early. A further document assists on this, which you should receive separately.
2. **Law at Oxford.** Studying law is going to be fascinating and demanding, most likely involving significant changes to the way you think now, and indeed, what you spend your time thinking about. All this will come in time and with work, but you will benefit from getting started now. That means starting to think about the challenges you will face, from how you will arrange your bedroom, to where you will work (the College or Faculty library; your room or somewhere else?) In particular, start to think about how you are going to organize your life: you have only 10-12 hours of lectures and 1-2 hours of tutorials a week, so the rest is down to you.
3. **Preparing for Courses.** You might even learn a few things from the list of local vocabulary at the back of the book. The history of English law is full of somewhat odd words, at least to modern eyes, many of which have roots in Latin or French. Many of those have been removed, and we don't use Latin almost at all now so don't worry. Nonetheless, you might want to expose yourself to some points of terminology early. Most likely you will look back after your first year and not even remember not knowing what they meant.

Your first two terms will be very busy and require a lot of hard work. The Faculty and College expect you to spend 40 hours a week on your academic study during term and a considerable amount of time studying out of term as well (and note, this is 40 real and focused hours, not just 40 hours in front of books). That study will be made easier by some judicious preparatory reading. We certainly don't expect you to understand everything you read about (even if you think you do!), the point is just to get you started. Your degree at Corpus will involve detailed lectures and tutorials on the law in due course. You will also have a Legal Methods Course in the first few weeks of the year to help

prepare you. The more you have covered in advance, the more than course can do interesting and advanced things!

2. The Basics of the UK Legal System

While we know most of you have not yet studied Law, we expect you to acquire a basic understanding of the UK legal system through preparatory background reading before you arrive in Oxford. In particular, you should know about the following. The further brief introduction to the English legal system document will help with this. You need to learn about:

1. Sources of Law
2. Techniques for creating and using law
3. Institutions of the legal system
4. Constitutional questions

The further handout provides a starting point for you to build on. There are many books on the market that provide excellent introductions to these different issues. We list some of them below in no particular order – you need only look at one as much of the information in these books is the same:

1. G. Rivlin, *First Steps in the Law* (Oxford University Press, 7th ed. 2015)
2. A.T.H. Smith, Glanville Williams: *Learning the Law* (16th ed., Sweet & Maxwell, 2015)
3. M Partington, *Introduction to the English Legal System 2018-19* (Oxford University Press, 2018).

3. Studying Law at Oxford

Studying law at Oxford may be very different from most of your experiences at school. Not only does the study of law require its own set of skills and intellectual approaches, but the nature of study is also different. You will spend much of your time doing independent, critical reading from long and varied reading lists and that reading will rarely result in simple or neat answers to the questions being asked. Instead, you will have to think, weigh different options, and explain the position you have reached as one of a number of different possibilities. The reading lists provide lots of different material, from cases and statutes, to academic articles and sometimes even newspapers and websites, let alone things like textbooks. As this is the case, it is important to think about these challenges. Arguably the best way to do this is through throwing yourself wholeheartedly into the study of law but there are also a number of books on the market that may help you. Two of our favourites are:

1. C Barnard et al (eds) *What About Law: Studying Law at University* (2nd ed, Hart Publishing, 2011)
2. N McBride *Letters to a Law Student* (London, Pearson, 4th ed, 2017 especially letters 4, 5 and 8-22)

These books should not be treated as providing a set of rules to be followed strictly, but they will help you think about what is involved in studying law at university. At times you will find these books contradict each other and what your tutors say, but they will get you thinking about the challenges ahead and help you to develop an understanding of legal methods. Again these are issues you will explore in sessions the first couple of weeks.

Those first few weeks will also introduce you for the first time to the Oxford Tutorial system, which is quite special. You have small tutorials of two or three people organized through your college, with the other students in your college (sometimes other Colleges too). The faculty organises university-wide lectures, core reading lists and the examinations. For each tutorial you will normally receive a reading list. You then go away and work through it, thinking about the issues and ideas, and write an essay *before* the tutorial.

4. Preparing for Courses

In the first two terms you will be studying three subjects: Roman Law, Constitutional Law and Criminal Law. At the end of Hilary term (March 2017), you will be sitting exams in each subject (called Law Moderations), which you need to pass to continue the course. After that you move on to the Final Honour School subjects, which are sat at the end of your final year but more can be said about those subjects in due course.

We will provide guidance on textbooks when you arrive; don't rely on other people, even those who have studied before in Oxford, because things change, new books come out and new teachers use different resources. What we can say at this stage is:

1. Paul du Plessis, Borkowski's *Textbook on Roman Law* (5th edition, 2015) is the modern introduction to Roman law and relatively accessible. It is actually really only introductory, but a good starting point.
2. There are some blogs you might find useful for constitutional law: UK Constitutional Law Blog (<http://ukconstitutionallaw.org/blog/>) on which public law scholars post blog entries on a variety of constitutional law issues as well as Mark Elliott's <https://publiclawforeveryone.com/>. These are interesting times for constitutional law in the UK and regularly reading these blogs will give you a feel for the legal issues in play.
3. For criminal law particularly, reading things like the Times Law supplement, and the columns by people like Joshua Rozenberg (who studied law at Oxford a bit before you) can be useful ways to engage with the real world: <http://www.rozenberg.net/>.

5. Books...

It is not necessary to buy core textbooks for your first year courses now. Corpus has been building up a book loan scheme, and you will get as many of your books in loan for the time of the course you are having tutorials in. At present, you will certainly get the Roman law books, and probably

one Criminal law book, and if we can get Constitutional law in time we will, but we need to get donations from alumni first!

Once you do start buying books, be careful! As law is in a constant state of evolution, it is important to get the most recent editions of textbooks. *Ask the bookseller to confirm they are selling you the latest edition* because sometimes a new edition can come out between writing this letter and the start of the academic year. While out-of-date textbooks might be at bargain basement prices they will be of very little use to you. The same rule of thumb applies to second-hand editions. Students from other years might offer you their books, but check the editions!

Corpus Christi College subsidizes book buying by undergraduates so **be sure to retain your receipts** as you will need them to claim your book grant later in the term.

6. Preparatory work: a case-reading comprehension exercise in criminal law

Please read the Supreme Court case of *R v Hughes* [2013] UKSC 56 which you can find online at <http://www.bailii.org/uk/cases/UKSC/2013/56.html>. Let us know if this poses any problems, because, for instance, you do not have access to a computer. This is a case you will be covering in criminal law in due course.

The exercise

Please read the judgment. Think about the case. Don't worry that you will not understand everything. The questions below will focus what you need to prepare. It should take you no more than a day, and most likely, less than 4 hours. It is important that you write concisely, and you **must in any event write no more than 1,500 words** in total. Some questions only call for a short answer – for example, you could answer question 1 wholly satisfactorily in just two lines.

1. With what offence, under what legislation, had the appellant been charged?
2. What question did the Supreme Court have to decide?
3. Summarise the arguments made by the prosecution (the Crown).
4. Summarise the arguments made by the defendant (appellant).
5. Summarise the decision of the Court and the essence of the reasoning underpinning that decision.
6. What is an offence of strict liability, and how is it different from one involving proof of fault, including negligence?
7. As a result of the decision in *Hughes*, can the offence with which the appellant had been charged be regarded as one of strict liability? Are there any circumstances in which

that offence may be committed without the defendant also committing the offence of causing death by careless driving (contrary to s 2B of the RTA 1988)?

8. With what could Mr Dickinson have been charged had he survived the accident and (a) no other person had died, or (b) had someone in Mr Hughes' vehicle died?

9. What is "common sense"? Do you think it is a reliable guide to decision-making? What role, if any, do you think it should have in legal decision-making?

10. Why does the Court say legislation creating criminal offences should be interpreted narrowly in favour of the defendant? Do you agree?

Submitting your work

Please email your work as an attached Word document to lorren.eldridge@law.ox.ac.uk. Answers must be received by 5pm Monday 25 September.

7. First year examinations: Law Moderations (MODS)

Note that you will sit your first formal examinations (known as Law Mods) at the end of Hilary Term (the second term). These exams are always held in 9th week, which is the week after the end of term; the last exam is on the Friday so you should not plan your trip home prior to this time. Term dates can be found on the information sheet provided by the Dean.

Happy reading and we look forward to seeing you in October. If you have any questions before then, feel free to contact us by email at (liz.fisher@ccc.ox.ac.uk or matthew.dyson@ccc.ox.ac.uk)

Best wishes,

Liz Fisher, Matt Dyson and Lorren Eldridge