



LW6637

Brexit: Legal and Policy Issues

Autumn 2020

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School of Law
Scoil an Dlí

1. MODULE DETAILS

Lecturer Details

Module Coordinator: Stephen Coutts

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Office Hours: Thursdays 14:00-16:00. Appointments upon request. Please email in advance indicating the subject matter.

Location and Time

Time: 12:00-14:00

Location: Canvas (pre-recorded lecture) and [Teams Meeting](#) (live session)

2. OVERVIEW

Brexit is a significant historical event, not only for the United Kingdom but also for Ireland and the European Union more broadly. It is also one of a series of crisis that have struck the Union in the past decade and coincides with a period of reflection on the Future of Europe. Between 2019-2022, the School of Law at UCC in collaboration with the Department of Government is running a series of modules focusing on legal and political implications of Brexit and on the evolving European Union. A particular focus will be on Ireland's position in the EU's changed political and legal landscape. The first semester module - Brexit: Legal and Policy Issues - focuses on the origins and current state of play of the Brexit process up to the present date. We will take a multi-faceted and long-term perspective focusing the historical trends of UK membership of the Union, the various forces that produced the Brexit result and the different perspectives of the UK, its sub-constitutional units, Ireland, the EU institutions and the other EU Member States.

The course will be taught in 11 sessions across the semester and will be delivered online. A blended approach will be taken towards course delivery comprising of a pre-recorded lecture followed by a live seminar discussion of the material. The pre-recorded lecture will be available on the Canvas page for the topic by 12:00 every Wednesday. This will be followed by a live session on Microsoft Teams ([here](#)). When joining Teams please use your UCC login details. The module will be led by Dr Stephen Coutts with contributions from Dr Jonathan Evershed from the School of English and guest speakers. One session will comprise a mini-workshop on the constitutional future of the UK and Ireland.

No prior knowledge is required to follow this module, although some familiarity with EU law and/or EU politics and institutions would be an advantage.

General questions on the course can be directed to the discussion group established for that purpose on the Canvas site. Feel free to also contribute to this general discussion if you have something to add. For other questions please email.

3. KEY THEMES

- Historical, social and political context of Brexit
- The law of disintegration
- Brexit and constitutional change in the UK, Ireland and Europe

4. OUTLINE

The course is divided into 11 topics covering the long history of Brexit up to and including the draft Withdrawal Agreement. Each topic corresponds to a week's seminar. More detail, including readings, is provided on the Canvas page for each session.

1. The Awkward Partner: The UK's membership of the European Union
2. Taking back control: the Brexit Referendum
3. The Disunited Kingdom: Brexit, the UK Constitution and UK Politics
4. The Law of Disintegration: The Article 50 TFEU
5. Finding a way forward: Issues in the future relationship
6. The Divorce Papers: The Withdrawal Agreement
 - with Dr Joris Larik, University of Leiden
7. 'I want that one...': Possible Models for the Future Relationship
8. Out of Empire, into Union: Ireland, EU membership and Brexit
 - with Professor John Brennan, Maynooth University
 - **Note:** exceptionally this class will take place between 15:00 and 17:00, Wednesday 18 November 2020.
9. Liminal Places: Northern Ireland and Brexit

10. Mini-work-shop: Brexit and the Constitutional Future of Britain and Ireland

11. The Future of Europe: Brexit and European Integration

5. READING MATERIAL

The course will rely on a variety of reading materials.

We will be using some primary sources including legislation, international agreements, caselaw and original reports from institutions. EU legal materials are available on the eurlex.eu website. This is freely available and relatively simple to use, searching by year and document number. UK caselaw can be accessed via Westlaw.co.uk. This is available through the database section of the library website. Again, this is relatively simple to use, searchable via case number or title.

The reading lists for individual sessions are included on the Canvas page for each topic. include secondary material including journal articles and books by legal and political scholars. Most of these will be available through the library either electronically or in hard copy. Material not available through the library or publicly will be provided through Canvas.

There is no textbook for the course. Books on Brexit include:

- Federico Fabbrini (ed), *The Law and Politics of Brexit* (OUP 2017);
- Federico Fabbrini (ed), *The Law and Politics of Brexit Volume II* (OUP forthcoming)
- Kenneth Armstrong, *Brexit Time* (CUP 2017);
- Michael Dougan, *The UK After Brexit: Legal and Policy Challenges* (Intersentia 2017) and
- Kevin O'Rourke *A Short History of Brexit: From Brentry to Backstop* (Pelican Books 2019)

There are numerous online sources for Brexit related information. Leading websites include:

- [DCU Brexit Institute](#)
- [Irish Institute for European and International Affairs](#)
- [Observatoire du Brexit](#) (fr).
- [The UK in a Changing Europe](#)
- [Performing Identities](#)
- [LSE Brexit](#)
- [EU Relations Law](#)

Useful journals on EU law and EU politics include:

- Common Market Law Review
- European Law Journal
- European Constitutional Law Review
- Journal of Common Market Studies

6. ASSESSMENT

The module is assessed by an assignment and weekly response papers to the readings.

60% of the marks will be based on an **assignment** of 3,000 words. You will chose your own topic for the assignment based on the topics we have covered. Please submit your chosen title/topic for approval by Tuesday 3 November 2020. The deadline for the assignment is Wednesday 16 December 2020 at 17:00. Further details are available on the Canvas site.

The **response papers** are worth 40% of the total marks. Each week you will be required to submit a short response paper to the readings of between 400-600 words. This should consist of a short summary of the readings and any critique/analysis. You will be required to upload the assignment to Canvas each Tuesday by 17:00, with the exception of the Week 1.