

Guide to i-Tutorials and Podcasts

W201 Law: the individual and the state

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PART A – i-TUTORIALS

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2. Guidance on how to use each individual i-Tutorial:
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 - Introduction to Public Law
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 - Criminal Law
 - Guilty Conduct
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 - Defences and Accomplice Liability

1. Practical issues

Accessing i-Tutorials and Podcasts: You can access the materials from The College of Law ELITE site at <http://elite.lawcol.com>. You can also access them through the support website for your module. Enter <http://www.open.ac.uk/law> click on the link to take you to the support sites and then select the relevant site for you. You will see a further hyperlink to ELITE – Online Materials. Whichever route you use, you will need your OU Student Personal Identifier (PI) to hand, as you will need this to access these resources. The site has details about how to select ELITE as a “favourite” which means that you can access it directly, and reduce the amount of clicks required.

A note on timing: each i-Tutorial takes around an hour to view in one sitting, and many students would take about another hour to work through all the activities.

However, there is no need to work through an i-Tutorial all at once, unless this is what you want to do. Each podcast is approximately ten to fifteen minutes long.

Tube Line: At the top of the screen in each i-Tutorial there is what might be called a “Tube line”, with a series of “stops” across the top of the screen; this shows you on a continuous basis exactly where you are within the i-Tutorial, how long each section is and how close you are to completing the section.

2 Guidance on using each i-Tutorial

2.1 How to Learn on Your Law Course

This i-Tutorial summarises many of the matters dealt with in the Study Guide. We suggest that you watch this or read the Study Guide as your first activity. This will give you an overview of the resources available and what is expected. The Study Guide has more detail and you can refer to it throughout your studies.

The learning outcomes of this i-Tutorial are that it will help you:

- understand some different ways of learning and hopefully determine what will work best for you
- use the range of learning resources available
- understand how to organise and manage your paperwork
- understand how to manage your time effectively
- recognise how particular defined skills will underpin your studies
- and help you get off to a good start

2.2 The Legal research i-Tutorial

This i-Tutorial has been designed to outline the knowledge and understanding which you require as a law student to carry out practical legal research (e.g. how to find and use legal sources such as cases and statutes, and to apply them to legal questions to come up with an answer). It also looks at skills of problem-solving.

This i-Tutorial is used on all the compulsory modules and W221, W222, W223 and W224 so you may already be familiar with it. If you studied the i-Tutorial last year, and do not want to look at it again, that is fine; like all i-Tutorials, it is an optional part of your studies.

2.2.1 Where does the i-Tutorial fit into the module?

In W201, there is no single, specific part of the module devoted to legal research; however, the topic will affect all your studies. At various stages of your studies, you will need to use skills of problem-solving and legal research to answer the Activities which have been set.

2.2.2 Suggestions for using the i-Tutorial: how and when

Depending on how much work you have already done on legal research and problem-solving, you might want to work through the i-Tutorial either at the beginning, or at an early stage of your studies. This will enable you to get a “feel” for the materials which you will be using and how they might fit into a strategy for carrying out practical legal research.

Alternatively, you might want to dip into the i-Tutorial when you want to acquaint yourself with (or refresh your memory about) the skills and techniques involved in practical legal research.

Whenever you are able to look at the i-Tutorial, bear in mind that there is no obligation to work through it all in one sitting. It is an equally valid approach to work through as many (or as few) stages at a time as you want to. The i-Tutorial has been designed to accommodate both approaches.

2.2.3 Points to Note

If you have studied W200 before, you will notice that there is some overlap between the i-Tutorial and the material you will have previously studied on finding and reading cases and statutes. We have included this material in the i-Tutorial as it can be useful to be reminded, when studying legal research, how cases and statutes are put together. However, if you do not wish to go over this area again, please feel free to skip these stages of the i-Tutorial.

At one or two points within this i-Tutorial, and the podcast, you will come across the occasional reference to other i-Tutorials on topics related to legal research. These i-Tutorials and podcasts are not currently available as they are beyond the needs of your module.

2.3 i-Tutorial 1: Introduction to Public Law

2.3.1 Overview of content

W201 has two principal components: Public Law and Criminal Law. This i-Tutorial (Introduction to Public Law) is the first of four i-Tutorials which have been designed to help support your study of the Public Law component. It is intended to stimulate your interest in what makes up a modern democratic state such as the UK, and to assist you in identifying basic values underpinning our system of government. It also provides an introductory overview of the three main areas of Public Law, i.e. constitutional law, civil liberties/human rights and administrative law.

The Introduction to Public Law i-Tutorial is divided into nine stages: the presenter takes you through the learning outcomes of the i-Tutorial at Stage 1 and reviews them at Stage 9. The main outcomes correlate with those of Unit 1 Parts A and B.

2.3.2 Where does it fit into the module?

The Public Law component of W201 occupies Units 1 to 14. Units 1 to 6 deal with constitutional law, Units 7 to 10 with civil liberties/human rights and Units 11 to 13 with administrative law. Unit 14 consolidates all of the preceding Units. Although it is convenient to study Public Law by looking at these three main areas, there are (as you might expect) links between them. For example, the way in which the courts exercise legal control over the activities of government bodies – the primary focus of administrative law – reflects the constitutional relationship between the two.

This first i-Tutorial will therefore give you an overview of all three parts of the Public Law component.

2.3.3 Suggestions for using the i-Tutorial: how and when

Recommended suggestion: To obtain the overview referred to in 2.3.1, work through the i-Tutorial before starting to study Unit 1 Part A.

Alternatively, use the i-Tutorial as a review and consolidation device at a convenient point after completing Unit 1 Part A or Unit 1 as a whole.

In either case, you can choose to work through the i-Tutorial at one sitting, or through a particular stage or group of stages at a time.

2.3.4 Points to note

- Particularly if you use the i-Tutorial as recommended above, we should mention that Activity 1 at Stage 2 is similar to Activity 1 in Unit 1 Part A. You may therefore wish to skip this Activity in the i-Tutorial and deal with it as part of Unit 1, or do it now and use the Unit 1 version simply to reinforce key points.
- If you use the i-Tutorial instead for consolidation purposes, you will inevitably find that it covers issues which you have already encountered in your Manual study. As it is intended to support your individual learning experience, please do not feel therefore that you necessarily have to work through the entire i-Tutorial.
- As the presenter remarks in his conclusion, you may find that the i-Tutorial prompts lots of questions and issues which are not yet fully resolved. As he also says, try not to worry about this! You will have plenty of opportunity to reflect on these as you progress through your studies.

2.4 Public i-Tutorial 2: Constitutional Law

2.4.1 Overview of content

This is the second of the Public Law i-Tutorials. It introduces three fundamental constitutional principles – the rule of law, parliamentary supremacy and the separation of powers – and looks at some of the classic definitions of these principles provided by key constitutional commentators. It also demonstrates how these principles are interdependent and interact. The i-Tutorial is divided into 11 stages: the presenter takes you through the learning outcomes at Stage 1 and reviews them at Stage 11. The outcomes are similar to those of Unit 1 Parts C and D.

2.4.2 Where does it fit into the module?

Unit 1 Parts C and D introduce the same three fundamental constitutional principles which are referred to in the i-Tutorial. However, you will examine parliamentary supremacy and the separation of powers in more depth in Units 3 and 4 and Unit 5 respectively.

2.4.3 Suggestions for using the i-Tutorial: how and when

Recommended suggestion: work through the i-Tutorial before starting to study Unit 1 Parts C and D.

Alternatively, use the i-Tutorial as a review and consolidation device at a convenient point after completing Unit 1 Parts C and D, or Unit 1 as a whole.

In either case:

- (a) you can again choose to work through the i-Tutorial at one sitting, or through a particular stage or group of stages at a time;
- (b) you may find it useful to revisit Stages 2 to 6 of the i-Tutorial later in the course as preparation for Units 3 and 4 and Stages 7 to 10 as preparation for Unit 5.

2.4.4 Points to note

- Particularly if you use the i-Tutorial as recommended above, we should mention that Activities 3 and 4 at Stages 7 and 8 are similar to Part 2 of the Consolidation Activity in Unit 5. You may therefore wish to skip these Activities in the i-Tutorial and deal with them as part of Unit 5, or do them now and again use the Unit 5 version to reinforce key points.
- If you use the i-Tutorial for consolidation purposes instead, you will find that it covers issues which you have already encountered in your Manual study. As with the first i-Tutorial, please do not feel therefore that you necessarily need to work through it in its entirety

2.5 Public i-Tutorial 3: Judicial Review

2.5.1 Overview of content

This is the third of the Public Law i-Tutorials. It looks at the constitutional basis for judicial review and introduces you to the three traditional grounds of challenge – illegality, irrationality and procedural impropriety – before looking at proportionality as a possible fourth ground. This is done by reference to factual scenarios on which you are invited to express an opinion, and you should find that you can cope without prior knowledge. The i-Tutorial is divided into nine stages: the presenter takes you through the learning outcomes at Stage 1 and reviews them at Stage 9. The outcomes are similar to those of Units 11-13.

2.5.2 Where does it fit into the module?

Units 11-13 introduce the concept of judicial review and its constitutional basis. They also consider the grounds of challenge in judicial review. The i-Tutorial is a brief introduction to the issues arising in these Units.

2.5.3 Suggestions for using the i-Tutorial: how and when

Recommended suggestion: work through the i-Tutorial before starting to study Unit 11.

Alternatively, use the i-Tutorial as a review and consolidation device at a convenient point after completing Unit 13.

In either case, it will be better to set aside at least an hour and work through the i-Tutorial at one sitting.

2.5.4 Points to note

If you use the i-Tutorial for consolidation purposes, you will find that it covers issues which you have already encountered in your Manual study. As with the other i-Tutorials, please do not feel therefore that you necessarily need to work through it in its entirety.

2.6 Public i-Tutorial 4: Human Rights

2.6.1 Overview of Content

This is the fourth of the Public Law i-Tutorials. It looks at the constitutional protection of human rights in the UK and introduces you to the distinction between absolute and qualified rights. This is done by reference to activities in which you are invited to express an opinion, and you should find that you can cope without prior knowledge. The i-Tutorial is divided into nine stages: the presenter takes you through the learning outcomes at Stage 1 and reviews them at Stage 9. The outcomes are similar to those of Unit 7.

2.6.2 Where does it fit into the module?

Unit 7 introduces you to the European Convention on Human Rights and its status in English law. This develops issues covered in Units 3 and 4 Part D (Can Parliament effectively protect Human Rights?) Units 8 and 9 then look at specific rights of Freedom of the Person and Property, Freedom of Expression and Freedom of Assembly, before Unit 10 returns to the general theme of Civil Liberties in Perspective. This i-Tutorial provides a brief introduction to the issues covered in these Units.

2.6.3 Suggestions for using the i-Tutorial: how and when

Recommended suggestion: work through the i-Tutorial before starting to study Unit 7.

Alternatively, use the i-Tutorial as a reminder of human rights issues before starting to study Unit 8.

A further alternative is to use the i-Tutorial as a reminder of human rights issues before starting to study Unit 10.

In each case, it will be better to set aside at least an hour and work through the i-Tutorial at one sitting.

2.6.4 Points to note

If you use the i-Tutorial for consolidation purposes, you will again find that it covers issues which you have already encountered in your Manual study. As with the other i-Tutorials, please do not feel therefore that you necessarily need to work through it in its entirety.

2.7 Crime i-Tutorial 1 : Criminal Law

2.7.1 Overview of content

This is the first of four i-Tutorials which have been designed to give you an overview of some of the key concepts you will study in this part of W201. The i-Tutorials have been designed to help support your study of Units 15–28 in W201. Criminal Law will focus on introductory issues and will consider the purpose of the criminal law; it will

also introduce you to aspects of criminal procedure, so we will look briefly at how the criminal law operates in the courts.

This first i-Tutorial will look at general principles of criminal liability in the context of a case study which will continue into the later i-Tutorials. It is divided into 12 stages: the presenter takes you through the learning outcomes of the i-Tutorial at Stage 1 and reviews them at Stage 12. The outcomes relate to those identified in Unit 15.

2.7.2 Where does it fit into the module?

This i-Tutorial has been designed as an introduction to your study of Criminal Law. It will help you get an overview of the subject, and will introduce you to general principles. This will give you a foundation (together with Units 15–18) upon which to build when you start to consider specific offences and defences in detail later in your studies.

2.7.3 Suggestions for using the i-Tutorial

Use this i-Tutorial to support your study of the introductory Units of the Criminal Law part of the course. Our recommendation is that you should try to work through it before you begin to study Unit 15. Alternatively, you could work through Unit 15 first and then use the i-Tutorial to review and consolidate your learning before moving on to Unit 16.

You can choose to work through the i-Tutorial at one sitting, or to work through a number of stages at a time. If possible, we would recommend that you try to complete Stages 1–6 in one sitting.

2.7.4 Points to Note

You may decide to use this i-Tutorial as consolidation at the end of Unit 15 and/or as revision later in the course. If so, you will inevitably be reviewing areas that you have studied already in the Manuals. Some students find it very useful to have a “second bite at the cherry” in this way; others, however, may feel a little irritated at seeing things which they have “done before” (this simply illustrates that different people like to learn in different ways).

If you fall into the latter category, please do not feel that you have to work through the i-Tutorial in its entirety. Remember that it is there to support **your** learning experience, and you should feel free to skip any sections which you do not want to go over. We anticipate, however, that most students will find the case study and practical examples contained in the i-Tutorial very useful for starting to get a real “feel” for Criminal law and how it operates in practice.

In addition to introducing you to fundamentally important principles of criminal law, the use of a continuing case study will help you to develop your analysis and problem-solving skills.

It is important when you use this and the later Criminal i-Tutorials to remember that they are overviews. When discussing e.g. the criminal offence of theft or assault in our case study, we have sometimes simplified the law so that you can get a “feel” for the general principles. The full details of the relevant offences and defences will be examined later in the course; for example assaults in Unit 19 and theft in Unit 26.

2.8 Crime i-Tutorial 2: Guilty Conduct

2.8.1 Overview of content

In this i-Tutorial, we will explore what a defendant has to do to be guilty of a criminal offence. For example, if a defendant is charged with murder, what does the prosecution have to prove in terms of the conduct of the defendant? Must he have taken a positive step to kill the victim? Is it enough that the defendant stood by and let the victim die? We will therefore be focusing on one of the key principles of criminal liability – the *actus reus* of a criminal offence.

This i-Tutorial is divided into 11 stages: the presenter covers the learning outcomes of Guilty Conduct in Stage 1 of the i-Tutorial and reviews them at Stage 11. These outcomes reflect those of Unit 16.

2.8.2 Where does it fit into the module?

As mentioned above, this i-Tutorial examines the concept of *actus reus* and, as one of the key principles of criminal law. However, in terms of general principles, it is most relevant as an introduction to the issues considered in Unit 16.

2.8.3 Suggestions for using the i-Tutorial

Recommended suggestion: work through the i-Tutorial before you begin your study of Unit 16. It will introduce you to the key issues relating to *actus reus* and help put these into context when you move on to study Unit 16.

As usual, you can choose to work through the i-Tutorial at one sitting, or to work through a number of stages at a time. If possible, we would recommend that you try to complete the Stages in a maximum of three “chunks”; Stages 1–3, Stages 4–7 and Stages 8-11.

Additionally, you may find it helpful to go back and look again at the i-Tutorial as you go through the course and study the *actus reus* elements of each individual offence.

2.8.4 Points to Note

If you use the i-Tutorial for review and consolidation, bear in mind the points mentioned at paragraph 2.7.4 above.

2.9 Crime i-Tutorial 3: Criminal States of Mind

2.9.1 Overview of content

Having explored the concept of guilty conduct in the previous i-Tutorial, this i-Tutorial considers the other key element of many criminal offences, the guilty mind. The Latin term for a guilty mind is *mens rea*, and we will focus on this in the i-Tutorial by continuing our consideration of the case study. This i-Tutorial will introduce you to the key concepts of intention and recklessness. It also introduces the doctrine of transferred malice, and looks briefly at a defendant’s liability when s/he tries (and fails) to commit an offence.

The i-Tutorial is divided into 17 stages: the presenter covers the learning outcomes of Guilty Conduct in Stage 1 of the i-Tutorial and reviews them at Stage 17. These outcomes reflect those of the relevant parts of Units 17-18.

2.9.2 Where does it fit into the module?

The principle of *mens rea* is one that underpins our consideration of criminal liability throughout the course. However, the part of the course to which the i-Tutorial relates most strongly is Units 17-18. Whilst we introduce the issue of attempted offences in this i-Tutorial, you will return to the law of attempt in detail at Unit 21.

2.9.3 Suggestions for using this i-Tutorial

Recommended suggestion: work through the i-Tutorial before you begin your study of Unit 17, as it will give you an overview of the issues considered in the next two Units. We would recommend that you review the relevant parts of the i-Tutorial (see below) after Unit 17 if you want to reinforce your understanding of the principles of *mens rea*.

2.9.4 Points to Note

As before, please bear in mind the points made at paragraph 2.7.4 above. In particular, bear in mind that in this i-Tutorial, we have simplified the *mens rea* requirements (for example, of assault). The full definitions of the *mens rea* of each offence studied on the module will be found in the relevant later Unit.

2.10 Crime i-Tutorial 4: Defences and Accomplice Liability

2.10.1 Overview of content

In the earlier i-Tutorials, you will have considered the two essential principles of *actus reus* and *mens rea*. In this final i-Tutorial, you will begin to consider how a defendant might escape criminal liability, despite the prosecution being able to establish that s/he committed the *actus reus* of an offence with the appropriate *mens rea*. Additionally, you will begin to explore the issue of a person's criminal liability if they help someone else to commit a crime. This is known as accomplice liability.

The i-Tutorial is divided into 11 stages: the presenter covers the learning outcomes in Stage 1 of the i-Tutorial and reviews them at Stage 11. These outcomes reflect those of the relevant parts of Units 20, 24 and 25.

2.10.2 Where does it fit into the module?

Defences are considered at various stages of the module. For example, there are specific defences to criminal damage, considered in Unit 17, and to murder, considered in Unit 22. However, the two Units which deal with the general principles of defences are Units 20 and 24.

Accomplice liability is studied in detail at Unit 25 and subsequent Units refer to accomplice liability where relevant.

2.10.3 Suggestions for using the i-Tutorial

Recommended suggestion : watch the i-Tutorial at the end of your consideration of general principles (i.e. at the end of Unit 18). It will complete your understanding of the case study which is used in all the i-Tutorials and your understanding of the determination of criminal liability. It will be useful for you to have this "full picture" before you go on to consider individual offences.

Additionally, you could review the relevant parts of the i-Tutorial as follows : watch Stage 7 before you study self-defence in Unit 20, Stages 4 – 6 before you study the defence of intoxication in Unit 24 and Stage 9 before you study accomplice liability in Unit 25.

Stage 8 also provides an opportunity for you to review your understanding of some of the defences. Stage 10 offers the same option in relation to accomplice liability.

PART B – PODCASTS

A podcast is an audio file which you can listen to. It is stored on The College of Law ELITE site and is accessed in the same way as the i-Tutorials.

Podcasts are available for each of the i-Tutorials provided and they cover the same content as the i-Tutorial. The podcasts are stored as MP3 files. You can click on the MP3 file and listen to it on your computer. Alternatively, most people prefer to download the file on to an MP3 player, iPod or CD. You can download the file by right-clicking on the item and then selecting “save target as...”. This means that you can listen to the podcast while travelling.

PART C – TRANSCRIPTS OF I-TUTORIALS AND PODCASTS

You may experience difficulties in accessing the i-Tutorials and podcasts satisfactorily if you do not have a broadband connection. It is important to remember that the i-Tutorials and podcasts are optional and can supplement your studies, but it is not necessary to use them in order to be successful on the course. However, we have provided transcripts although we strongly recommend, that you do not print these documents unless you have special circumstances.