



Professor Gavin Phillipson BA(Hons), CPE, LL.M

Professor of Law

Area of research

Professor of Public Law and Human Rights

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Summary

Biography

Gavin Phillipson has been Professor of Law in the School since 1 January 2019 having previously held a Chair in Law at Durham University; he is a qualified solicitor and has been a Senior Fellow at the University of Melbourne. His research interests lie in the fields of public law, particularly areas of European and UK human rights law, and the interface of those fields with public law and constitutional and political theory. He has published widely in these areas in top UK, US and Canadian journals, including the *Modern Law Review*, *Law Quarterly Review*, *Current Legal Problems*, *Cambridge Law Journal*, *Public Law*, *McGill Law Journal* and *Law & Contemporary Problems*.

He has published three books, including, with Helen Fenwick, *Media Freedom under the Human Rights Act* (2006, OUP), a comparative and theoretically-informed treatment of areas of UK media law (favourably reviewed (2007) *Public* 852-855). A fourth - *Debating Hate Speech* (with Eric Heinze, Hart) - is forthcoming in 2018. He has given papers by invitation at numerous conferences and seminars overseas, including in Washington, Duke and George Washington Law Schools and the universities of CDPC Université Panthéon-Assas Paris, Toronto, Singapore, Hong Kong, Monash, Melbourne, and UNSW (the latter two as visiting scholar). He has guest-taught comparative privacy law on the LL.M programmes of Melbourne, Kings College London and City University, London.

His scholarship on horizontal effect and the development of a common law right to privacy (published in four articles in the *Modern Law Review* and in the *Media Freedom* book) has been of particular importance: it has been cited in and influenced judgments of the High Court, Court of Appeal and House of Lords and the New Zealand Court of Appeal, as well as being discussed with approval in a speech by Lord Neuberger, President of the Supreme Court (2012). It was also used by the Media Lawyer's Association in their intervention to the European Court of Human Rights in the case of *Von Hannover v Germany (no 2)* (2012) (Grand Chamber). In addition he gave evidence by invitation to Parliament's Joint Committee on Privacy and Injunctions (cited in its 2012 report); he was also asked to comment in 2012 on the DPP's draft guidance on prosecuting journalists for privacy-related offences and influenced the final form of those guidelines. His evidence to the Law Commission on the areas of Contempt of Court (2013) and Hate Crime (2014) is cited and discussed extensively in the relevant Reports.

Professor Phillipson's work on defamation significantly impacted upon the recent reform of libel law. He was the academic member of the Ministry of Justice Working Group on Libel (2010) and drafted parts of its report. His evidence on the Defamation Bill to the Joint Committee on Human Rights was discussed extensively in the Committee's Report (Dec 2012) and demonstrably influenced its conclusions. His work was also recently cited by the Northern Ireland Law Commission report on defamation. The above resulted in an Impact Case Study submitted by Durham University to REF 2014. Recently his work on the development of a new convention on the exercise of the war powers convention has been discussed by Parliament's Political and Constitutional Reform Committee (2014).

He has made frequent contributions to national and international media coverage of the above issues, including in the *Telegraph*, *Sunday Times*, *Guardian*, BBC, Al Jazeera, *Christian Science Monitor*, Boston's *Chronicle of Higher Education*, Norway's *AI Posten*, and Denmark's *Politikain*. He has been a guest on BBC Radio 4's *Unreliable Evidence* (2013), *Law in Action* (2014) and *Summer Nights* (2013) discussion programmes.

As a Professor, he has carried out four senior management roles: Chair of the LNAT Consortium, Director of Undergraduate Studies, Chair of the Undergraduate Exam Board and, most recently, Deputy Head of School.

Research Interests

- Hate Speech, Comparative Free Speech Law

- Public Law esp constitutional dialogue, the prerogative, bicameralism, constitutional conventions
- The Human Rights Act esp judicial deference; horizontal effect.
- Freedom of Speech and Media Freedom in English law esp defamation law
- Privacy in English law and comparative privacy law.
- Anti-terrorism law and human rights
- Freedom of public protest, esp direct action.

Professor Gavin Phillipson - all publications

Authored book

- Heinze, Eric & Phillipson, Gavin (2018). [Debating Hate Speech](#). Hart Publishing (forthcoming).
- Fenwick, Helen, Phillipson, Gavin & Williams, Alexander (2017). [Text, Cases and Materials on Public Law and Human Rights](#). Routledge.
- Phillipson, G. & Fenwick, H.M. (2010). [Text, Cases and Materials on Public Law and Human Rights](#). London: Routledge.
- Fenwick H.M. & Phillipson G (2006). [Media Freedom under the Human Rights Act](#). Oxford: Oxford University Press.

Chapter in book

- Phillipson, G (2016). [Press Freedom, the Public Interest and Privacy](#). In [Comparative Defamation and Privacy Law](#). Kenyon, A Cambridge University Press. 136-63.
- Phillipson, G. (2014). [Deference and Dialogue in the Real-World Counter-Terrorism Context](#). In [Critical Debates on Counter-Terrorist Judicial Review](#). Davis, F. & de Londras, F. Cambridge: Cambridge University Press. 251-280.
- Phillipson, Gavin (2013). [The Human Rights Act, Dialogue and Constitutional Principles](#). In [The United Kingdom's Statutory Bill of Rights: Constitutional and Comparative Perspectives](#). Leigh, Ian & Masterman, Roger, Oxford University Press.
- Phillipson, Gavin (2012). The "global pariah", the Defamation Bill and the Human Rights Act. In [Modern Defamation law: Balancing Reputation and Free Expression](#). Capper, David, Queens University Belfast Press. 147-90.
- Phillipson, Gavin. & Fenwick, Helen. (2012). [UK counter-terror law post 9/11: initial acceptance of extraordinary measures and the partial return to human rights norms](#). In [Global Anti-Terrorism Law & Policy \(2nd ed\)](#). Ramraj, V. Hor, M. Roach, K. & Williams, G. Cambridge: Cambridge University Press. 481-513.
- Phillipson, Gavin, Hoffman, David & Young, Alison (2011). [Introduction](#). In [The Impact of the UK Human Rights Act on Private Law](#). Hoffman, David Cambridge: Cambridge University Press.
- Phillipson, Gavin (2011). [Privacy: the development of breach of confidence - the clearest case of horizontal effect?](#). In [The Impact of the UK Human Rights Act on Private Law](#). Hoffman, David Cambridge: Cambridge University Press. 136-164.
- Phillipson, Gavin, & Fenwick, Helen (2011). UK Control Orders as a Counter-Terrorism Strategy: reading down liberty and due-process rights. In [Terrorism, Democracy and the Law](#). Kremnitzer Sieber, Ulrich & Jan-Michael, S Duncker & Humblot, Berlin. forthcoming.
- Fenwick, Helen. & Phillipson, G. (2008). [The Human Rights Act, public protest and judicial activism](#). In [Free to Protest: Constituent Power and Street Demonstration](#). Sajó, András. Utrecht: Eleven International Publishing. 189-219.
- Phillipson, G. (2007). [The Common Law, Privacy and the Convention](#). In [Judicial Reasoning under the UK Human Rights Act](#). Fenwick, H.M., Phillipson, G. & Masterman, R. Cambridge: Cambridge University Press. 215-254.
- Phillipson, G. (2007). [Clarity Postponed: Horizontal Effect after Campbell](#). In [Judicial Reasoning under the UK Human Rights Act](#). Fenwick, H.M., Phillipson, G. & Masterman, R. Cambridge: Cambridge University Press. 143-173.
- Fenwick, H.M., Masterman, R. & Phillipson, G. (2007). [Introduction: The Human Rights Act in contemporary context](#). In [Judicial Reasoning under the UK Human Rights Act](#). Fenwick, H.M., Phillipson, G. & Masterman, R. Cambridge: Cambridge University Press. 1-21.
- Phillipson, G. (2006). [The Right of Privacy in England and Strasbourg compared](#). In [New Dimensions in Privacy Law: International and Comparative Perspectives](#), Kenyon, A. and Richardson, M. Kenyon, A. T. & Richardson, M. Cambridge: Cambridge University Press. 184-228.
- Phillipson, G. & Fenwick, H.M. (2005). [Legislative Over-breadth, Democratic Failure and the Judicial Response: fundamental rights and the UK's Anti-Terrorist legal policy](#). In [Global Anti-Terrorism Law and Policy](#). Ramraj, V. V., Hor, M. & Roach, K. Cambridge: Cambridge University Press. 455-490.
- Phillipson, G. (2003). [Human Rights and Obligations of Confidentiality in the Private Sphere: A v B Plc in the Court of Appeal](#). In [New Perspectives on Property Law, Human Rights and the Home](#). Hudson, A. London: Cavendish. 205-215.
- Phillipson, G. (1997). Introduction. In [The English Constitution](#). Sussex Academic Press.

Edited book

- Fenwick, H.M., Phillipson, G. & Masterman, R. (2007). [Judicial Reasoning under the UK Human Rights Act](#). Cambridge: Cambridge University Press.

Journal Article

- Brimblecombe, F. & Phillipson, G. (2018). [Regaining Digital Privacy? The New "Right to be Forgotten" and Online Expression](#). *Canadian Journal of Comparative and Contemporary Law* 4(1): 1-66.
- Phillipson, Gavin (2017). [Brexit, prerogative and the courts: why did political constitutionalists support the Government side in Miller?](#). *University of Queensland Law Journal* 36(2): 311-331.
- Phillipson, Gavin (2017). [EU law as an agent of national constitutional change: Miller v Secretary of State for Exiting the European Union](#). *Yearbook of European Law* 36(1): 46-93.
- Phillipson, Gavin & Young, Alison (2017). [Would use of the prerogative to denounce the ECHR "frustrate" the Human Rights Act? Lessons from Miller](#). *Public Law* 2017(Nov Supp): 150-175.

- Phillipson, Gavin (2016). [A dive into deep constitutional waters: Article 50, the prerogative and parliament](#). *Modern Law Review* 79(6): 1064-1089.
- Phillipson, G. (2013). [Leveson, the Public Interest and Press Freedom](#). *Journal of Media Law* 5(2): 220-240.
- Phillipson, Gavin (2012). [The "global pariah", the Defamation Bill and the Human Rights Act](#). *Northern Ireland Legal Quarterly* 63(1): 149-186.
- Fenwick, H & Phillipson, G (2011). [Covert Derogations and Judicial Deference: Redefining Liberty and Due Process Rights in Counterterrorism Law and Beyond](#). *McGill Law Journal* 56(4): 863-918.
- Williams, Alexander & Phillipson, Gavin (2011). [Horizontal Effect and the Constitutional Constraint](#). *Modern Law Review* 74(6): 878-910.
- Phillipson, Gavin, & Baker, Aaron (2011). [Policing, Profiling and Discrimination Law: US and European Approaches Compared](#). *Journal of Global Ethics* 7(1): 105-124.
- Phillipson, G. (2009). [Max Mosley goes to Strasbourg: article 8, claimant notification and interim injunctions](#). *Journal of Media Law* 1(1): 73-96.
- Phillipson, G. (2008). [Trial by Media: the Betrayal of the First Amendment's Purpose](#). *Law and Contemporary Problems* 71(4): 15-30.
- Phillipson, G. (2007). [Bills of Rights as a threat to human rights: the alleged 'Crisis of Legalism'](#). *Public Law* 217-224.
- Phillipson, Gavin (2007). [Deference, Discretion and Democracy in the Human Rights Act Era](#). *Current Legal Problems* 60: 40-78.
- Phillipson, G. & Fenwick, H.M. (2004). [National Irish Bank v RTE and finding the balance: Breach of Confidence, Privacy and the Public Interest Test in England and Ireland](#). *Northern Ireland Legal Quarterly* 55(2): 118-153.
- Phillipson, G (2004). [The Greatest Quango of them All, 'a rival Chamber' or 'a hybrid nonsense'? Solving the Second Chamber Paradox](#). *Public Law* 7: 352-379.
- Phillipson, G. (2003). ['\(Mis\)-Reading Section 3 of the Human Rights Act'](#). *Law Quarterly Review* 119(April): 183-188.
- Phillipson, G. (2003). ['Judicial Reasoning in Breach of Confidence Cases under the Human Rights Act: not taking privacy seriously?'](#). *European Human Rights Law Review* (Supp): 54-72.
- Phillipson, G. (2003). ['The Powers of a Reformed Second Chamber'](#). *Public Law* (Spring): 32-40.
- Phillipson, G (2003). [Transforming Breach of Confidence? Towards a Common Law Right of Privacy under the Human Rights Act](#). *Modern Law Review* 66(5): 726-758.
- Fenwick, Helen. & Phillipson G. (2001). [Direct Action, Convention values and the Human Rights Act](#). *Legal Studies* 21(4): 535-568.
- Phillipson, G. & Fenwick, H.M. (2000). 'Breach of Confidence as a Privacy Remedy in the Human Rights Act Era'. *Modern Law Review* 63(5): 660-693.
- Phillipson, G. & Fenwick, H.M. (2000). 'Public Protest, the Human Rights Act and Judicial Responses to Political Expression'. *Public Law* 627-650.
- Phillipson, G. (1999). ['The Human Rights Act, the Common Law and 'Horizontal Effect': a Bang or a Whimper?'](#). *Modern Law Review* 62(6): 824-849.
- Phillipson, G. & Fenwick, H.M. (1996). 'Privacy and Confidence: A Re-Examination'. *Cambridge Law Journal* 55(3): 447-455.

Teaching

Professor Phillipson has taught a wide range of subjects and undergraduate and postgraduate level including:

- UK Public Law
- Comparative constitutional law
- Constitutional theory
- Comparative Free Speech Law
- Comparative Privacy and Defamation
- European Human Rights Law
- Media Law

He has guest-taught comparative privacy law on the LLM programmes of Melbourne, Kings College London and City University, London. He has supervised eleven postgraduate research students to successful completion and is currently supervising six PhD students.

Skills

- SFHEA

Memberships

Organisations

[University of Bristol Law School](#)

Staff role

- [Academic Staff](#)

Recent publications

- Phillipson, GP, 2019, ['Searching for a Chimera ? Seeking Common Law Rights of Freedom of Assembly and Association'](#). in: Mark Elliott, Kirsty Hughes (eds) *Common Law Constitutional Rights*. Hart Publishing, pp. 141-166
- Phillipson, G, 2019, ['Scandal and the law'](#). in: *The Routledge Companion to Media and Scandal*. Taylor & Francis Group, pp. 494-505
- Phillipson, GP & Brimblecombe, F, 2018, ['Regaining Digital Privacy? The New "Right to be Forgotten" and Online Expression'](#). *Canadian Journal of Comparative and Contemporary Law*, vol 4., pp. 1-66

- Phillipson, GP & Young, A, 2017, '[Would use of the prerogative to denounce the ECHR "frustrate" the Human Rights Act? Lessons from Miller](#)'. *Public Law*, vol Nov (Supp)., pp. 150-175
- Phillipson, GP, 2017, '[Brexit, prerogative and the courts: why did political constitutionalists support the Government side in Miller?](#)'. *University of Queensland Law Journal* , vol 36., pp. 211-331
- Phillipson, GP, 2017, '[EU law as an agent of national constitutional change: Miller v Secretary of State for Exiting the European Union](#)'. *Yearbook of European Law*, vol 36., pp. 46-93
- Phillipson, GP, 2016, '[A dive into deep constitutional waters: Article 50, the prerogative and parliament](#)'. *Modern Law Review.*, pp. 1064-1089
- Phillipson, GP, 2014, '[Deference and Dialogue in the Real-World Counter-Terrorism Context](#)'. in: Fergal Davis, Fiona de Londras (eds) *Critical Debates on Counter-Terrorist Judicial Review*. Cambridge University Press, pp. 251-280

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