



St Petersburg International Legal Forum

Breakthroughs
in support of
Oxford Law

Focus on Public
International
Law at Oxford



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From the Dean



Academic freedom

The mind boggles at the variety and the scale of the happenings and the innovations and the milestones and the new appointments that are reported in the Oxford Law News. We have had to change a newsletter into a magazine to report them.

And the Law News does not even report on the steady hum of the engine room –the reading and the writing, the marking of Mods and Finals papers, graduate exams and doctoral theses, admissions decisions, and the work of a tutor in marking up the students' essays (often after the tutor has put his or her children to bed). I want to pay tribute to the work that people do in this University, to sustain a topsy-turvy teaching model in which the teacher gives a personal response to the student's effort to explain the distinction between murder and manslaughter, or between a tax and a fine, or between rules and principles.

In exchange, the University offers good students, good colleagues, and a precious measure of freedom. Ask any practitioner who has found rewarding work, as a legal advisor or an advocate or a judge, and you will find that they have found ways of focusing on tasks that merit the perseverance that good lawyering involves. It can be a battle, hard-won over years, in developing the capacity to choose which files to take on, or in building a good team, or in finding a sustainable way to provide legal services that the market does not reward. For all the demands of admissions and teaching and marking, this is a great thing that a university has to offer to a lawyer: freedom to work on the interesting problems. Like the other aspects of academic freedom, we cannot take this one for granted, and we have to work to uphold it in the 21st century.

I recommend it very highly to those of you in practice, who may have the opportunity in the days to come to work with students and the academics in this law school, and in many others around the world.

Timothy Edrington

'Everything we do in the Law Faculty is focused on the central purpose of understanding the law – as it is and as it ought to be. One of the most remarkable ways in which Oxford achieves that purpose is through the advanced training of legal scholars in the doctoral programme. Like our other students they pursue diverse careers, but in one particular pursuit they are hugely influential: there are more than 120 law professors pursuing understanding in more than 70 law schools around the world, who have studied here, in the largest doctoral programme in law the English-speaking world.'

*Timothy Endicott,
Dean of the Faculty of Law*

Successful completion of an Oxford DPhil in Law is a testament to a robust intellect, disciplined work ethic, and considerable ambition and drive. Graduates from the programme have gone to a variety of careers around the world, with many noteworthy achievements in jobs ranging from legal academia to legal practice to consulting and governmental work. Here, we highlight the work of five recent graduates whose activities attest to the increasingly global scope of the Law DPhil.

Even before handing in his thesis, focused on issues of internal differentiation amongst beneficiary groups in the context of quotas in higher education and public employment in India, **Dr Anup Surendranath** was already working as an Assistant Professor of Law at the National Law University in New Delhi (NLU). There, he has continued his focus on constitutional law and human rights, teaching constitutional law and offering a seminar course on comparative constitutional law. Apart from his teaching responsibilities at NLU, Anup is involved in various advocacy and research initiatives on human rights issues in India. He is currently heading India's first-ever empirical study on the death penalty, which involves interviewing all of India's death row prisoners, their families, and lawyers in the trial court. Anup is also involved in legislative attempts to decriminalize beggary in Delhi, and in drafting national legislation to protect the rights of street vendors. He has published various articles on a range of issues in *The Hindu*, where they have regularly featured as lead op-ed pieces.

Anup's academic work and advocacy were directly influenced by his thesis, written under the supervision of Professor Sandra Fredman. 'Five years in Oxford was a tremendous intellectual journey for me. While my undergraduate law degree at NALSAR (India) helped me identify fundamental aspects of my politics, Oxford helped me develop the intellectual rigour to test those political commitments. Professor Fredman was a wonderful supervisor who has deeply influenced the manner in which I think about and understand human rights. It was a difficult decision



Post-Doctoral Career Paths

(potholes included)

to leave Oxford and all that it had to offer, but part of my education at Oxford was also about the realization that I must use my privileged education to address, in however small a measure, the tragic levels of deprivation and marginalisation back home.'

Since completing her thesis in April 2010, **Dr Einat Albin** has been writing and teaching at the Hebrew University of Jerusalem, where she holds posts as a lecturer and as the Academic Director of the Clinical Legal Education Centre. Her main areas of interest are in labour law, welfare, and social rights, and her research has particularly focused on domestic and migrant workers, segmentation theory, and the labour market. Einat has published numerous articles in leading law journals, including the *Modern Law Review* and the *Industrial Law Journal*, and has won various prestigious prizes and awards, including the British Academy Visiting Award (2011) and the Wedderburn Prize (2011). Einat has also previously litigated leading labour and social rights cases in the Israeli Supreme Court.

As Director of the University's Clinical Legal Education Centre, Einat works to teach at-risk youth that they have rights, assists clients with housing, employment, welfare, and health entitlements, and promotes the human rights of Palestinians residing in East Jerusalem, particularly the disabled and asylum-seekers; each year, the centre serves the legal needs of between 200 and 300 people from disadvantaged communities in Israel. As well as helping secure justice for the marginalized, the centre routinely has a large impact on its law students – survey results indicate that 85 percent of the clinic's graduates continue to be involved in civil work and perform pro-bono work as practising lawyers. 'I perceive the law as a public resource that should be enjoyed by every person in society. Therefore, I believe that legal education should put emphasis on sensitizing the future generation of lawyers to use their professional knowledge and skills to aid those who cannot access the legal system. This is what clinical legal education is all about. Personally, I feel extremely privileged to have the opportunity to combine my research and teaching in the field of labour law and social rights



Main picture: Rosara Joseph, inset (l-r): Anup Surendranath, Einat Albin, Talal Al-Emadi.

together with promoting this idea through the Clinical Legal Education Center at the Hebrew University of Jerusalem’.

Dr Sindiso Mnisi holds a position as Senior Lecturer in the Department of Private Law at the University of Cape Town, co-teaching African customary law and acting as a senior researcher in the Law, Race, and Gender Research Unit. Her research focuses on traditional courts and vernacular dispute resolution forums in South Africa, and she has written extensively on women’s rights and traditional authorities in Africa.

As an Assistant Professor at the College of Law of Qatar University, **Dr Talal Al-Emadi** is the convenor for the College’s Oil and Gas Law and Health Law courses. His research has focused on the role of the law in petroleum investment, where he explores the long-term relationship between countries like Qatar and international oil and gas companies. He is also looking into publishing his DPhil thesis as a monograph, one which would address questions of both theoretical and practical significance in the Qatari gas industry – namely, why companies consistently prefer joint venture agreements when working with a host state. In addition to his academic occupations, Talal has worked as a legal counsellor for the Minister of State for the Council of Ministers’ Affairs, and has been commissioned to conduct a comprehensive review of national and international mental health laws by the Qatari Minister of Health, with the aim to produce not only what would be Qatar’s first Mental Health Act, but one that might serve as a model for the Arab region. ‘This initiative has been very overwhelming. Drafting legislation is a huge task. But it is very rewarding that we are realizing the importance of having a Mental Health Act in Qatar. I am also lucky to have been able to work with colleagues from Qatar University, and to have been able to secure two renowned individuals in the field from the Oxford and Harvard law faculties who would act as external reviewers for the draft.’

Since attending Oxford as a Rhodes Scholar and graduating from both the BCL and DPhil in Law, **Dr Rosara Joseph** has gone on to become a full-time cyclist in Wellington, New Zealand, where she works with the Yeti Factory Race team to train in Enduro mountain bike racing. This year has seen

her partake in the major Oregon Enduro Series and the Big Mountain Enduro series, and she will also be participating in the World Series events in Italy later this year. She has worked in the litigation department of a New Zealand law firm, has acted as a legal and policy consultant for the New Zealand Productivity Commission, and is publishing her DPhil thesis as a monograph through Oxford University Press. ‘I don’t have a set career plan or path, but I do know that I am particularly interested in topics which involve difficult issues of law and policy: such as security and intelligence policy, interactions between governmental institutions, and relationships between government and people. My work at Oxford reflected that interest, drawing together law, history, and politics in an examination of the power to go to war.’

Stephen Weatherill, the Director of Graduate Studies for Research Degrees, observes, ‘I have come into close contact with dozens of Oxford DPhil students over the years in my own areas of expertise, broadly concerned with European law, and they are a magnificent bunch of scholars who have done much to improve the quality of my life. But it is only since taking over administrative responsibility for all the Faculty’s graduate research students in the Spring of 2011 that I have been able to grasp that across the whole sweep of legal scholarship the Faculty is lavishly blessed by being able to host an astonishingly lively, energetic and intellectually superb group of diverse people. Common law, comparative law, transnational and international law, civil law, legal philosophy, black-letter analysis, law-in-context, criminology... we really can say: you name it, and Oxford is home to it, “it” being near enough every legal discipline and methodology under the sun. Each and every student has a wonderful story to tell, and though we certainly hope that the Oxford Law Faculty has enriched their personal narratives, we know for sure that our graduate research students have collectively and individually done a huge amount to enhance our own profile as a globally acclaimed Law School. We thank them all.’

*Maria Lacayo
Merton College*

Australian Judges and Law at Oxford



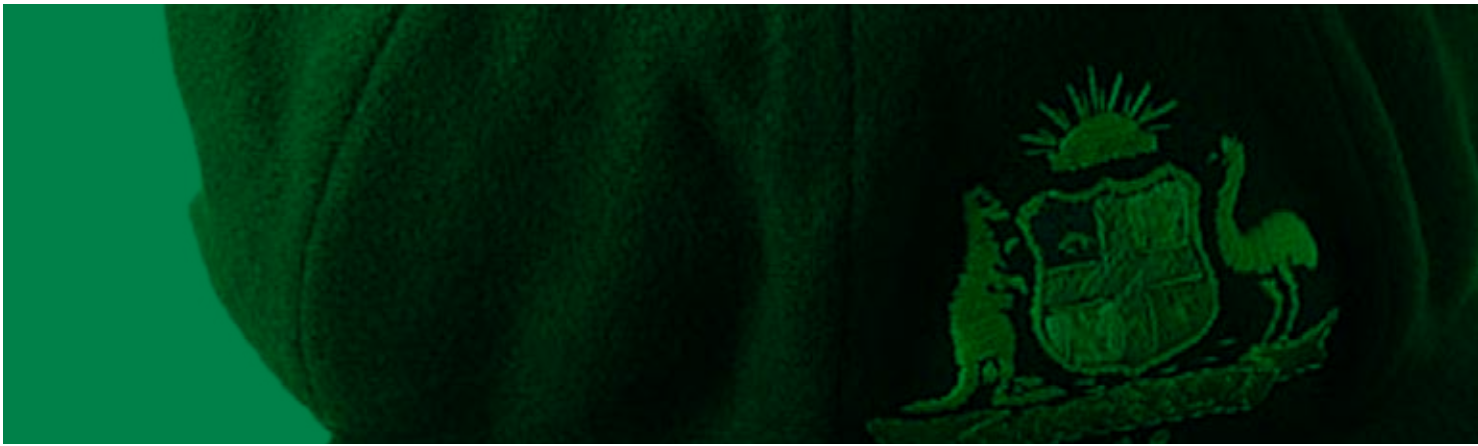
The Australian judiciary has deep and varied connections with Oxford University and the Oxford Law Faculty. A good number of graduates of the Oxford BA, BCL, BPhil, and DPhil degrees have gone on to give distinguished service in the federal and state courts. Amongst our judicial alumni we may count Justices Kenneth Hayne, Patrick Keane, and the recently retired Dyson Heydon, of the High Court; Justices Susan Kenny, John Middleton, Nye Perram, and the recently retired Peter Gray and Ross Sundberg, of the Federal Court; President Chris Maxwell, and Justices Pamela Tate, Mark Weinberg, and Geoffrey Nettle, of the Victorian Supreme Court; Justices John Basten, Julie Ward, the recently retired Justices Robert Austin, Terence Buddin, Murray Tobias, and the late Justice David Hodgson (a distinguished philosopher), of the New South Wales Supreme Court; Justice Peter Applegarth of the Queensland Supreme Court; President Carmel McLure, and Justices Andrew Beech and James Edelman (like Dyson Heydon, formerly a law fellow at Keble College), of the Western Australian Supreme Court. No fewer than four Australian judges have won the Vinerian Scholarship for the best performance in the Bachelor of Civil Law: they are Dyson Heydon, Patrick Keane, Ross Sundberg, and Mark Weinberg.

Beyond this imposing list of eminent judges, the roll-call of barristers, solicitors and legal academics in Australia with an Oxford education is long indeed. One Australian Vinerian Scholar with a distinguished non-judicial career in the law deserves special mention – the late Sir Zelman Cowen. His life and achievements will be the subject of a conference in Melbourne in March 2014, jointly promoted by the Universities of Melbourne and Oxford to which Sir Zelman gave so much of his energies before and after his period as Governor-General of the Commonwealth of Australia. Many other Australian Oxonians have gone on to serve in high political and legal office, including numerous law officers of the Crown at State and Federal level.

Oxford is proud to have been a proving ground for so much Australian legal talent over the years, and welcomes Australian judges even if they may have studied their law elsewhere: Chief Justice James Allsop, Justice William Gummow, Justice Susan Kiefel, Chief Justice James Spigelman, and many others have been highly valued visitors and speakers in recent years. Australian lawyers continue to contribute sizeable numbers to Oxford's teaching faculty and graduate student bodies, with especially strong representation among the Bachelor of Civil Law students and the doctoral researchers. It is difficult to imagine Oxford Law today without its Australians; and together with other common lawyers from abroad – Canada, India, New Zealand and South Africa in particular – the Brits sometimes seem almost overwhelmed! The Australian contribution to the study of the law at Oxford is highly prized on both sides: in the past year alone some six deans of the leading Australian law schools have visited to nurture this important nexus, and scholarships and exchanges are actively promoted to cement the bonds.

Two fresh Australian connections are worthy of note from the 2012–2013 academic year. On 20 November 2012 Justice Patrick A Keane, then Chief Justice of the Federal Court of Australia, was appointed to the High Court of Australia. Justice Keane was a graduate law student at Magdalen College, Oxford, and read for the BCL in 1977, graduating as Vinerian Scholar. He was formerly a judge of the Queensland Court of Appeal, and also served as Solicitor-General for Queensland. Justice Keane's academic bent was shown to strong effect in his influential WA Lee Lecture of 2009 on "The Conscience of Equity", where he gently rebutted Justice Michael Kirby's arguments for intensified fusion of equitable and common law doctrines, as forwarded in the WA Lee Lecture of 2008. We look forward to Justice Keane's return to Oxford where he will have an opportunity to discuss his anti-fusionist sentiments with the pugnacious Oxford private lawyers.

Justice Keane took the High Court place vacated by Justice J Dyson Heydon on his retirement from the court in March


 © Hayne and Keane photos: High Court of Australia.
 Heydon photo: Steve Allen.

(l-r): Justice Kenneth Hayne, Justice Patrick A Keane, Justice J Dyson Heydon (at left) with Lord Sumption.

2013. Dyson Heydon's links to Oxford are particularly strong. He read for his first law degree at University College, taking the Martin Wronker Prize for first place in his graduation in 1966; he was then the Vinerian Scholar for 1967. He was appointed to a fellowship in law at Keble College, and his well-known treatise on *The Restraint of Trade Doctrine* soon followed. He then served as Dean and Professor of Law at Sydney, writing benchmark works in evidence and equity and trusts before commencing his distinguished career at bar and bench. As a judge, first in the New South Wales Court of Appeal and then in the High Court, his work has been closely followed, debated, and admired for his fiercely independent positions and for the scholarly and literary qualities of his judicial arguments. Throughout his time as a judge he continued to play a powerful role as a legal scholar in Oxford and in Australia. In Oxford he has given lectures over the past decade examining decision-making within collegiate courts, authority and appellate jurisdiction, the codification of evidence law in India, issues of proof and evidence, and most recently the place of human rights in common law systems, as well as contributing to seminars in the BCL on equity and trusts. In May 2013 came the welcome news that Dyson Heydon had been appointed as Visiting Professor to the Oxford Law Faculty commencing in the academic year 2013–2014. He will be contributing advanced teaching in equity, trusts, and evidence at Oxford, notably in the BCL.

Justice Heydon, writing from a secure knowledge of both English and Australian law, has not been afraid to explore and confront the tensions between these two great systems of the common law. In his judgment in *PGA v The Queen* [2012] HCA 21 at [154]–[155]; (2012) 245 CLR 355 he noted how a rupture between the two systems had been fomented by the House of Lords decision in *Director of Public Prosecutions v Smith* [1961] AC 290, which applied an objective test for the *mens rea* of murder. Heydon J recalled Chief Justice Owen Dixon's reaction to *Smith* in *Parker v The Queen* [1963] HCA 14; (1963) 111 CLR 610, 632, where Dixon CJ wrote:

'I think it forces a critical situation in our (Dominion) relation to the judicial authority as precedents of decisions in England. Hitherto I have thought that we ought to follow decisions of the House of Lords, at the expense of our own opinions and cases decided here, but having carefully studied *Smith's Case* I think that we cannot adhere to that view or policy. There are propositions laid down in the judgment which I believe to be misconceived and wrong. They are fundamental and they are propositions which I could never bring myself to accept.'

Heydon J went on to add his own powerful observations on what this parting of the ways on a point of doctrine really meant:

'Dixon CJ then said that *Smith's* case "should not be used as authority in Australia at all". Those were terrible words. They were brooding, sombre and unusually passionate. In them the aged Chief Justice revealed that at the end of his career he had plumbed the depths of an intolerable nightmare. His reaction shows the Court being provoked by a retrospective judicial expansion of criminal liability in England into a determination to preserve crucial common law principles in Australia, not applaud or foster their destruction. This Court had changed its own rules of stare decisis in order to preserve Australian law. Those rules are fundamental to the judicial method. The change was very substantial. Though the High Court continued to be bound by Privy Council decisions, on most points of law there was much more authority from the House of Lords and the English Court of Appeal than the Privy Council. For those reasons *Parker v The Queen* astonished the Australian legal profession. But its repudiation of the thinking underlying *Director of Public Prosecutions v Smith* accorded with the ideas of the Australian legal profession.'

We are delighted to welcome Dyson Heydon once again to study and propound the common law as a member of the Oxford Law Faculty.

Joshua Getzler
 Professor of Law and Legal History

Learning from Each Other's Mistakes

St Petersburg International Legal Forum

Professor Timothy Endicott spoke at the third annual St Petersburg International Legal Forum, on 15 May 2013, at the Plenary session on "Competition and Cooperation between Legal Systems". He shared the platform in the new Mariinsky Theatre with a panel of speakers that included Peter Tomka (President of the International Court of Justice), Valery Zorkin (Chairman of the Constitutional Court of the Russian Federation), Michael Reynolds (President of the International Bar Association), Alexander Kononov (Minister of Justice of the Russian Federation), and Dmitry Medvedev (Prime Minister of the Russian Federation).

Event images courtesy of St. Petersburg International Legal Forum



A law teacher has the job of giving lessons, but how presumptuous it seems to offer lessons to the leaders, in legal practice and in public service, participating in the St Petersburg Forum. Yet I am so glad to have been invited, because it is the hope of every teacher to have gifted students. In Oxford, we are fortunate to have gifted students from this city and from all of your countries. What's more, I know that from Mr Medvedev, and from many others in this beautiful room, I will receive the tolerance that one teacher accords to another.

Mr Medvedev is a teacher of Roman Law, and that subject is compulsory for the law students in my university. We want our students to learn from the very roots of the civil law tradition. They learn, for example, what justice is, from the *Institutes of Justinian* – a textbook for students written 1,500 years ago. Justice is 'the steady and lasting willingness to give to everyone his or her due'.

If the lawyers of the common law world have a great deal to learn from the civil law of the Byzantine Empire, we have all the more to learn from the civil law today. We can learn from each other across time, across linguistic and jurisdictional boundaries, across culture gaps, and across gulfs of geography and of geopolitics.

We can learn from each other's wisdom. But I am sorry to say that we can also learn from each other's mistakes. I expect that those of you from Russia and from around the civil law world can learn from the successes and the mistakes of the common law, and from the benefits and the drawbacks of our forms of legal education.

The distinctive success of the common law lies in the facility that it gives judges to develop the law flexibly, while also using the doctrine of precedent to give a due measure of stability to the law. The benefits of the stability of the common law are reflected very clearly in the behaviour of parties to international commercial transactions in the twenty-first

century, for whom the law of England or the law of New York has great attractions. English contract law is undoubtedly an excellent export product for the UK. But there is no guarantee that the judges will always get it right, in striking the balance between flexibility and stability. In fact, if you come to a lecture on contract law in my university, I guarantee that you will hear the professor criticizing the judges' latest decisions. This criticism is the stock in trade of law teachers in the common law world – the work of pointing out to students how the judges have got it wrong, and what they ought to do in the next decision.

So our students learn from failures as well as successes. Not only in commercial law. Even the story of the famous writ of *habeas corpus* involves a failure in the common law. The early common law judges invented a process for getting people into court as defendants and witnesses. They started using this process to order prisoners to be brought into court, so that the judge could investigate their detention. But, as we tell our students in Oxford, at the crucial point, 400 years ago, the judges failed. The king could not raise enough money from the parliament for his wars, so he imprisoned noblemen who refused to lend him money. When the prisoners asked for *habeas corpus*, the judges said that the process only applied to lesser officials, and was not available if the king imprisoned a man for reasons of state. It took an act of Parliament to make *habeas corpus* useful for controlling the decisions of the state itself. The common law will not achieve its potential, if the judges do not make good use of the power that it gives them. This is not just an historical problem, it is a current and pressing challenge for every common law country with which I am familiar, in *habeas corpus* as in commercial law: the challenge is to sustain a legal and political culture in which the judges carry out their role fearlessly, yet with humility.

© Yuri Molodkovets



*This page: Angels around the dome of St Isaac's Cathedral in St Petersburg.
Opposite page (l-r): Timothy Endicott addresses the Forum, an attentive audience, introductions, outside the Forum venue.*

From education in the common law world, too, lawyers of the civil law world may be able to learn from drawbacks as well as from successes. We teach students the law backwards – by starting with a dispute and asking how to resolve it. We have to focus on dispute resolution, because of the way in which the common law has developed over centuries, through the decisions of judges in trials and appeals. Students need to read the decisions of the judges, and they need to read them closely. And they read especially closely when the judges are disagreeing with each other. The result is that the student's attitude to the law is shaped by common law dispute resolution.

That attitude supports independence of mind. It supports judicial independence, among those of our students who become judges. It also supports independence of mind in the practising professions of solicitors and advocates. It is good to teach students that the law is controversial, that strong arguments can be made for unpopular or apparently hopeless causes, and that the lawyer herself or himself must decide what to think. In a good law school in the common law world, the student learns not to agree with what the professor says, just because the professor is an authority. The student learns to make up her or his own mind.

But there are drawbacks to a common law legal education – even to a good one. We never put this on our university publicity materials, but let's face the facts: we teach students how to make bad arguments sound plausible. We run the risk of encouraging arrogance in the legal profession. We equip students to become part of an industry in which they can charge high fees for legal services in support of claims that should not be brought, and in making defences against claims that should not be resisted. This form of education supports the rule of law. But the rule of law is not altogether a good thing.

Don't misunderstand me: it is essential. In every country in the twenty-first century (and also in international

law), the rule of law is essential for doing the best we can to give to everyone his or her due. But if you want the good things about it, you have to accept the bad things about it. If you want expert lawyers, you will have to give them the equipment to make bad arguments sound plausible. If a murderer has a good defence lawyer and a fair trial, the lawyer may prevent justice from being done, and yet our country is worse off if a murderer cannot get a good lawyer.

Because the rule of law has to be purchased at a high cost, I don't suppose that any country gets it right – your country, my country, have too much legalism, and arrogant judges and lawyers, and waste and high fees, or they have too little responsible government and too little access to justice. Our country may have all of these things at the same time. So here is the lesson that we can all learn from the mistakes of the common law, and from the disadvantages of common law legal education: if you want the rule of law, you had better be ready to face the drawbacks, and to pay the price.

Teachers give report cards to their students, and if we gave report cards to legal systems, there is one line that could go on every single report card, for every single legal system: 'You could do better.'

That is not the whole report card. Some legal systems deserve gold stars for making life in a community more bearable, and for acting with justice toward citizens and even toward outsiders. Over the coming days, ask yourselves what report card your legal system deserves. Ask the same about the developing systems of international legal cooperation and dispute resolution. I do expect that every single report card will include this one line: 'You could do better'. So a system that deserves a failing grade has no excuse, because it actually could do better. And if your system deserves gold stars, you have no cause for arrogance. You could do better.

Timothy Endicott



© Leo Sorel

The first time I met Ronald, like the last, he was in bed. It was a chilly day in October 1968; and as a Fellow of University College I went to pay a courtesy call on the newly arrived Professor of Jurisprudence. Ronald and Betsy had taken, sight unseen, a little house near the Bodleian Law Library opposite St Cross Church. The location was delightful but the house itself was small and Spartan; more like a council house in Blackbird Leys than the residence of the Professor of Jurisprudence. Betsy received me at the door, making it clear that these were not the surroundings in which she was accustomed to receive visits. Ronald had taken to his bed with a cold. There was of course no central heating but they had installed various electric heaters to bring the little bedroom upstairs to the temperature of the orchid house in the Botanical Gardens. They soon moved to an old manor house at Hinton Waldrist in rural Oxfordshire, after which Betsy decided that neither the city nor the county of Oxford were to her taste, and they bought the house in Belgravia, which, after suitable improvements by Rick Mather, remained their permanent home.

I mention these domestic details because my relationship with Ronald had two distinct phases. In the first 16 years or so it was almost entirely social. The philosophers at Univ were always the intellectual aristocracy of the college and I would listen at lunch to conversations between Ronnie and Gareth Evans, Peter Strawson, John McDowell, John Mackie, or John Finnis with awe and admiration but little participation. My own work teaching and practising law was at a much more pedestrian level and I knew little of Ronald's thinking on

jurisprudence. But, despite the inauspicious beginning, Gillian and I became friends with Betsy and Ronald. We enjoyed their charm and the sparkle of their conversation; we shared their taste in jokes, especially about the occasionally bizarre behaviour of the English. For several years, as two families living in England but come from abroad, we took Christmas dinner together. Ronnie introduced me to word-processing in the early 1980s with a remorseless program he said he had got from Harvard – no menus or rodents, you had to know exactly what each key meant. And I must confess that I was rather star-struck by the brilliance of their social life at Chester Row, where we were very much the country mice come up from Oxford to town. We visited them at Martha's Vineyard, where Ronald demonstrated his skill in sailing his Sunfish on the pond, and in Italy, where I have a vision of Betsy on a bright morning on the terrace, setting out for Rome in a fashionable camouflage battle dress covered in zip pouches to protect her possessions from the Roman thieves.

The second phase of our relationship began when Ronald published *Law's Empire*. From my point of view, it could not have come at a better time, because I had just been appointed a judge and it gave a clear and, to me, convincing explanation of what I was supposed to be doing. It explained what scope I had for making choices; when I was constrained by the need for fidelity to the language of the statute or to the past, to the long history of the common law; and when I was free to choose the way forward. It explained how I should make that choice, by interpreting the rule in a way I thought best calculated to promote the values of the British society in which I lived. I

Ronald Dworkin

Lord Hoffmann gave the following tribute in St John's Smith Square on 5 June 2013 at a memorial for Professor Ronald Dworkin, who died on 14 February 2013, at the age of 81.

felt comfortable with that description of my role. It seemed a noble aspiration.

Ronnie's further argument, that in those cases in which the judge's answer was not constrained by language or precedent, there was nevertheless always a right answer, has been more controversial. People have said: how can you say there was a right answer if five or seven or nine perfectly respectable judges have differed on the point, and if justice X had been sitting instead of justice Y, the result would have been otherwise? But the obvious truth of Ronald's proposition was only borne in upon me when I began to sit in multi-judge courts, in the Court of Appeal, and then in the House of Lords. There we had difficult cases in which the judges sometimes took different views. But when colleagues disagreed with me, I didn't think their views were equally valid. I thought they were wrong. Our job was to find the right answer and obviously each thought we had done so. Although there was no divine arbiter to say which of us was right, it was an important part of the description of what we were doing to say that the one point on which we were unanimous was that there was only one right answer.

Thereafter, I was able to talk to Ronald about his work, as well as more frivolous matters. When we had a case about termination of life support after the Hillsborough football disaster, he was just about to publish *Life's Dominion* and he lent the manuscript to me and my colleagues on the court. But his last contribution I want to mention was his intervention in the affairs of South Africa. It was a place that interested him jurisprudentially, as it had a legal system, judges for the most part independent and incorruptible, and the rule of law.

The only problem was that the laws were extremely unjust. What was the role of a judge when law's empire was a wicked empire? This was 1988, two years before the release of Nelson Mandela. Ronnie had the idea of organizing a conference at Nuneham Courtenay, outside Oxford (I think he got funding from the Ford Foundation) where some of the more adventurous South African judges could meet exiled members of the banned ANC: politicians and lawyers who went on to become leaders of the new South Africa. It began dramatically with the South African judges receiving a message from the Minister of Justice telling them that they were on no account to take part in a meeting with the ANC and were to return at once. They went into a huddle and, to their great credit, sent an answer that they were not employees of the Minister and would make their own decision. It was their first opportunity to have a serious discussion with anyone from the future government of South Africa. It was a remarkable occasion, carried through with style, with Ronald guiding the discussions. My principal memory is of having a long, rather drunken, and altogether delightful conversation in the early hours with Thabo Mbeki, then the ANC representative in New York. He was afterwards President of South Africa, but in 1988 I had never heard of him.

Ronald has had a huge influence on my life, as he must have had upon many people out there in the world of law and philosophy who did not all have the privilege of his personal friendship. I mourn him deeply, as a lawyer, a colleague, and a friend.

The Rt Hon the Lord Hoffmann

Oxford Law in Beijing



From top: Timothy Endicott with academics from China University of Political Science and Law, Timothy Endicott giving a talk at Tsinghua University, Timothy Endicott, Nick Barber and Ellen Moilanen with Oxford alumni, Timothy Endicott with the Dean of the School of Law (Professor WANG Zhen-min), Tsinghua University at Tsinghua University.

In September 2012 the Dean of the Faculty of Law, Timothy Endicott, attended the Second Joint Conference of Sino-EU Law School Deans, organized by Renmin University, Beijing. The title of the conference was '100 Years of Legal Education Exchange between China and Europe: A view of Past, Present and Future.' Law School deans from Portugal to Finland participated in the event, along with representatives of 19 Chinese universities. The conference addressed the developing internationalization of legal education, and the potential for cooperation between European and Chinese universities.

Most of the European heads of law schools were from Germany, where the law schools are building on long-standing links with China, which arise from the enduring influence in Chinese law of the German Civil Code since the nineteenth century. Today, law schools of the common law world have great opportunities to recruit excellent Chinese students, and to develop the study of law in China, and of the Chinese role in international and transnational law. But we have much to do to make something of those opportunities.

As part of the Faculty's strategy to develop cooperation with the academic community in China, the Dean visited four leading law schools in Beijing: Peking University Law School, the Chinese University of Political Science and Law, Renmin University of China Law School, and the School of Law, Tsinghua University. At two events, hosted by Renmin and Tsinghua universities, the Dean gave lectures on the theme 'A Crisis in Human Rights Adjudication in Europe'. Ellen Moilanen, Courses and Exchanges Administrator, visited the law schools with the Dean, to discuss concrete possibilities for exchange and collaboration with Chinese colleagues.

A highlight of the week was the Alumni Dinner at the Grand Millennium Hotel in Beijing, which included the first in the

Oxford China Office's series of lectures, "Oxford Academics in China". Our alumni joined Professor Endicott, Jeremy Woodall (Director of the Oxford China Office), Ellen Moilanen and Nick Barber (Senior Law Fellow at Trinity College), for dinner.

In April, the Faculty followed up on the discussions by giving a two-day intensive lecture programme in three Beijing universities. Five Faculty members gave "An Oxford Introduction to the Common Law" to students at Peking University, Tsinghua University, and Renmin University. The Oxford lawyers used some specific issues in constitutional law and in contract and employment law, to introduce Beijing students to the common law approach to problems in public and private law that every legal system must address. Mr Nick Barber and Professor Timothy Endicott gave classes on public law, focussing on constitutional law, and Professor Mark Freedland, Dr Jeremias Prassl, and Herbert Smith Freehills Professor Robert Stevens gave classes on private law focussing on contracts, employment law, and vicarious liability. These lectures were a major step forward in the Faculty's strategy to increase understanding and interaction between Oxford academics and Chinese academics, and to provide an Oxford learning experience to students from some of the top universities in China. The international law firm Norton Rose Fulbright gave crucial financial support for the programme.

On this occasion too, the Faculty took advantage of the visit to host a reception for Law alumni based in China, and for students who had recently been made offers to study Law at undergraduate and graduate level to start in October 2013. These visits are instances of the improving connections between the Faculty of Law at Oxford and law schools in China. The Faculty will be pursuing opportunities for deeper connections in future in collaboration with the legal profession, and with our community of alumni in China.

NEWS & EVENTS

Gathering to Honour Donald Harris



© Timothy Endicott

(From back to front): Neil Rickman, Alastair Gray, John Eekelaar, Dave Campbell, Jenny Skilbeck, Anthony Ogus, Alan Paterson, Geneva Richardson, David Hughes Robert Dingwall, Linda Mulcahy, Roger Bowles, Alastair McGuire, Pat Simpson, Hazel Genn, Paul Fenn, Rob Baldwin, Bill Bradshaw, Bridget Hutter, Keith Hawkins, Sally Lloyd-Bostock, Don Harris, Eve Rodgers, Noel Blatchford, Jacek Kurczewski, Peter Bartrip, Jenny Dix, Emily Jackson, Ross Cranston, Matthew Weait.

Thirty former members of the Centre for Socio-Legal Studies met for a reunion lunch at New College in late February to celebrate the 21 years that Donald Harris was its Director.

After lunch, Keith Hawkins emphasized Don's huge contribution to the founding of the Centre in Oxford and the development of socio-legal studies in Britain. Socio-legal work was no longer unusual in law schools, but an orthodoxy. From its founding in 1972 through the retrenchment and uncertainties of the 1980s, Don led a highly productive Centre until his retirement in 1993 with characteristic optimism, fairness, decency, and integrity, while not seeking any kind of personal recognition. The numbers attending were evidence of the enormous respect and affection everyone had for Don. In reply, Don noted that his approach had always been to treat the Centre's staff as a family. He expressed his pleasure at the extraordinary success enjoyed by former members of the Centre, noting that among the 26 academics present were 20 professors, one Lord, one Dame, one High Court judge, at least four FBAs, four CBEs, and an OBE.

Professor Keith Hawkins

British Academy and All Souls Forum on Imprisonment

On Thursday 29 November 2012 a Forum on Imprisonment took place at the British Academy in London.

It was co-sponsored by All Souls College and by the British Academy Policy Centre, which is currently conducting a study of 'Crime, Punishment and the Prison'. The Forum was invitation-only, and included several members of All Souls, several members of the House of Lords, representatives of various relevant organizations, and senior civil servants from England and from Scotland. The focus of the discussion was on measures for reducing the prison population from its current level, which was argued to be very high by comparison with countries such as Germany, France, and particularly the Nordic countries. Members of the Law Faculty who took part included Nicola Lacey, Roger Hood, Julian Roberts, Sir Jeremy Lever, Andrew Burrows, and Andrew Ashworth. The British Academy Study Group, of which Andrew Ashworth and Nicola Lacey are members, is expected to publish a report in the new year.

High Sheriff's Law Lecture



© Maureen O'Neill

The High Sheriff's Law Lecture took place on 9 October 2012. The event was hosted this year by the High Sheriff of Oxfordshire, William Alden MBE, DL at the University Examination Schools. The lecture "Out of His Shadow – The Long Struggle of Wives under English Law" was given by the Rt Hon Lord Wilson of Culworth PC, Justice of the Supreme Court.

The High Sheriff's Law Lecture is an annual event and traditionally takes place on the second Tuesday of October, just before the Glove Ceremony and Court Sermon, which mark the start of the judicial year in Oxford. Dating back to at least the sixteenth century, it has been the tradition in Oxford for white gloves to be presented to the Judge in Commission by the Vice Chancellor on behalf of the University and by the Lord Mayor on behalf of the City in the Dean's Drawing Room at Christ Church. After the presentation of the gloves those present process to Christ Church Cathedral for the Court Sermon, where a college chaplain is usually appointed to preach. This year the Court Sermon was made in the presence of The Honorable Mr Justice Fulford.

Clarendon Law Lectures 2012



In November 2012 Lord Collins of Mapesbury delivered three lectures on "Justiciability in National and International Law" as this year's Clarendon Law Lectures. Taking the audience on a journey through domestic and international law across five continents and three centuries, Lord Collins addressed the general question of which issues are appropriate for resolution by judges. The extraordinary range of the lectures is indicated in the titles of the three Lectures: "The Concept of Justiciability: From Richard Duke of York to President George W Bush", "Acts of State and the Relationship between National and International Law", and "Political Questions and War and National Security". The Clarendon Law Lectures are an annual series of lectures, which are published in a special series by Oxford University Press.

Cape Town Convention Conference



The first annual conference of the Cape Town Convention Academic Project took place on 5 and 6 September 2012 and was a great success.

Fifty-five people attended, including academics, industry leaders, and financiers, practitioners from leading law firms, regulators, and representatives from Aviareto, which runs the registry of international interests in aircraft. The attendees came from all over the world, including Mexico, Japan, Malta, Germany, the Netherlands, and Ireland, as well as the US and the UK.

Papers ranged from detailed discussion of provisions of the Convention, such as the insolvency provisions, and the provision for interim relief, to discussion of wider issues, such as the process of economic assessment in commercial law treaty formation.

The conference is part of the Cape Town Convention Academic Project, which is

a joint project between the University of Oxford and the University of Washington to facilitate the study and assessment of the Cape Town Convention and to advance its aims. Many of the papers discussed at the conference were published in the first volume of the *Cape Town Convention Journal*, which will shortly be available on the project website. The project includes the compilation of a database of materials relating to the preparatory work on the Convention and its implementation in national law, the preparation of teaching materials based on the Convention and its operation and academic study concerning the wider context of international private law conventions and other related issues within transnational commercial law.

The conference was kindly sponsored by Abogados Sierra y Vazquez, Blake, Cassels & Graydon, Clifford Chance, Holland & Knight and Kaye Scholer.

Pathways to Law

From October 2013, 35 state school students from across the local region will become the first participants in the Pathways to Law programme at Oxford, which aims to widen access to the legal profession. The students, who will be in Year 12 when the programme begins, are being selected based on their predicted grades and on criteria relating to socio-economic and educational disadvantage.

Pathways to Law was set up in 2006 by the Sutton Trust and the College of Law (now the Legal Education Foundation), following research that showed that the top echelons of the profession were drawn from a narrow range of social backgrounds. This continues to be true, with the Sutton Trust recently observing that 'Law firms continue to recruit disproportionately from selective universities. Ensuring wider access to these universities is therefore one of the "best bets" in terms of transforming the socio-economic make-up of the profession.'

Indeed, Oxford is the selective university from which the professions recruit most disproportionately. The Bar Council and the Bar Standards Board's second annual Bar Barometer report shows that 20 percent of those who registered pupillages in 2010–2011 studied at Oxford. As for solicitors, Chambers Student Guide recently published findings on which universities produce successful training contract applicants: here too, Oxford graduates secured the highest number of training contracts in top London firms.

In committing to run the Pathways to Law programme Oxford aspires to use its resources and connections to ensure that as many talented students as possible attend a university that gives them the best possible chance of achieving a career in law, and to become a conduit for diversity in the professions.

During their time on the programme, participants will be introduced to the vast range of different topics within Law

through workshops, visits to Oxford colleges and departments, interaction with current students, Law tutors and legal professionals. They will also have the opportunity to visit and explore other universities taking part in the Pathways to Law programme. Other activities will include: attending the High Sheriff of Oxfordshire's Law Lecture; e-mentoring from undergraduate law students; a trip to the Inner Temple and Royal Courts of Justice; a residential conference in the summer between Year 12 and Year 13; and a work experience placement in the legal sector.

The programme coordinators would be delighted to hear from any alumni in the region who might wish to be involved with the programme in any capacity: email sian.renwick@admin.ox.ac.uk or call 01865 270123 for more details.

Andrew Ashworth

Festschrift



Over a hundred colleagues and students came together in November 2012 in a celebration for Professor Andrew Ashworth CBE QC FBA, Vinerian Professor of English Law at All Souls College and the Faculty of Law.

Professor Ashworth, who has held the Vinerian Chair since 1997, will retire at the end of 2013. During the half-day seminar, invited speakers presented papers on various aspects of his scholarship, all of which provoked lively debate, no doubt fuelled by the presence of many of the leading criminal lawyers and sentencing specialists in the country. The fact that other attendees had flown in from several countries in Europe, North America, and even from New Zealand is testament to the very high esteem and warm regard in which Andrew is held.

The event was also a book launch for a collection of essays entitled *Principles and Values in Criminal Law and Criminal Justice: Essays in Honour of Andrew Ashworth* (2012) edited by Oxford colleagues Lucia Zedner and Julian Roberts and published by Oxford University Press. The Press kindly produced a special, leather-bound volume that was presented to Andrew on the day. World-renowned for elaborating a body of principles and values that should underpin

criminalization, the criminal process, and sentencing, Andrew's contribution to the field has been immense. The book celebrates his achievements over 40 years of scholarship, his important influence on criminal justice practice, and his more recent, authoritative work in human rights law. Together the contributors, all leading international scholars, seek to advance the Ashworthian project of normative engagement with issues in criminal law and criminal justice, penal theory, sentencing and human rights. As the editors noted in the Introduction, it is surely 'telling that 20 leading academics tackle only some of the topics that a single individual has written upon with such easy authority and accomplishment'. It was even more telling that Andrew, with characteristic modesty, described the event as 'overwhelming' and declared himself to be gratified and 'amazed at how many people had travelled such a distance to be there'.

This splendid celebration was kindly sponsored by the Faculty of Law, the Centre for Criminology, and Oxford University Press.

More information about the book can be found at ukcatalogue.oup.com/product/9780199696796.do.

The Roger Hood Public Lecture 23 May 2013

Criminology has had a home in Oxford for over 50 years and has thrived under the leadership of Professor Roger Hood since 1973, first as an independent unit within the University and, since 1991, as an integral department of the Faculty of Law. Professor Hood retired in September 2003 and Professor Ian Loader took up the Directorship in 2005, establishing a year later the Annual Roger Hood Public Lecture Series.

This Annual Public Lecture, an important event in the calendar of the Centre for Criminology, honours and celebrates the long and distinguished career of Professor

Hood and his particular contribution to Oxford Criminology. Previous speakers included Professor David Garland of New York University, Professor John Braithwaite of the Australian National University and Professor Nils Christie of the University of Oslo, among other distinguished academics.

This year, the lecture took place on 23 May in the Manor Road Social Sciences Building Lecture Theatre. For the first time, the Series honoured the contribution to Oxford Criminology and Criminal Law of an Oxford academic, Professor Andrew Ashworth.

Lecture by Mr Justice Hogan of the High Court of Ireland



The Faculty of Law was delighted to welcome Mr Justice Gerard Hogan of the High Court of Ireland on 1 February 2013.

Justice Hogan's lecture was entitled "Declarations of Incompatibility, Inapplicability and Invalidation: Rights, Remedies and the Aftermath" and spanned an impressive array of jurisdictions including Ireland, the UK, Germany, the US and the EU. The lecture was followed by a lively questions and answers session, which focused in particular on the role of consequences in judicial reasoning. Justice Hogan offered the judge's perspective on when legislation should be nullified and when judges should use alternative ways of remedying a constitutional violation falling short of the 'nuclear option' of immediate nullification.

Mr Justice Gerard Hogan was called to the Bar in 1984 and was nominated to the High Court in 2010. Justice Hogan is both a scholar and judge. He was a distinguished academic at Trinity College Dublin, specializing in constitutional and administrative law. He is co-author of the leading textbooks in both of those subjects, including *JM Kelly: The Irish Constitution* now in its fourth edition. This provides an Oxford link, since John Kelly was a Fellow (later Honorary Fellow) at Trinity College, Oxford and Kelly's monumental work on the Irish Constitution began life as an Oxford DPhil thesis. Mr Justice Hogan carries on this tradition of scholarship.

HLA Hart Memorial Lecture 2013

Could the moral, political, and legal position of non-human animals, or at least some of them, be understood on the model of citizenship? Should those concerned with 'animal rights' be focusing more on the social relationships to which at least some non-human animals are party? These were the intriguing and unorthodox questions raised by Professor Will Kymlicka of Queen's University (Kingston, Ontario) in his HLA Hart Memorial Lecture delivered at Christ Church on 21 May 2013.

Professor Kymlicka is renowned for his philosophical work on the significance of group membership, and in particular citizenship, among human beings. As he explained, thinking about the domestic and working animals who live among us raises questions about the frontiers of citizenship, and more generally about the possibility that moral status at least sometimes has its basis in social relations.

Professor Kymlicka was drawing on a theme of his most recent book *Zoopolis* (2011), co-written with his wife Susan Donaldson. The book also contains a complementary argument about wild animals, according to which we should respect them as sovereign in their territories or habitats. The aim of both arguments is to redefine the problem of animal rights as a problem in political theory. In this respect, Professor Kymlicka's lecture provided a nice counterpoint to the 2012 lecture by Christine Korsgaard of Harvard University, who aimed to strengthen a more traditional view about animal rights. According to Korsgaard, the Kantian tradition in moral theory is not so narrowly humanistic as to be incompatible with ascribing dignity to non-human animals. Both lectures are expected to appear, in due course, in the *Oxford Journal of Legal Studies*.

The Hart Lecture is named for HLA Hart (1907–1992), Professor of Jurisprudence in Oxford from 1952 to 1968. It is supported by the Tanner Lecture Trust and held under the auspices of University College, where Hart was a Fellow.



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Photos - clockwise from top-left: Will Kymlicka, Adrian Briggs, Georg Ringe at the Eurozone Banking Union Conference, other panelists, Naz Ghanea (far-left) at the OSCE/ODIHR, Lord Justice Leveson (1967) with Halsbury President Cressida Auckland (2011), the Chapel of All Souls.

Adrian Briggs Lecture

Professor Adrian Briggs delivered a lecture entitled "Rubin and New Cap: Foreign Judgments and Insolvency" in his capacity as the first holder of the Jones Day Professorship of Commercial Law at Singapore Management University on 10 April, to an audience of judges, practitioners, and academic lawyers.

Shared Responsibility Workshop

The Oxford Law Faculty hosted a workshop entitled "Shared Responsibility" on 7 and 8 September 2012. The workshop's aim was to encourage philosophers and lawyers to exchange ideas concerning the concept of shared responsibility.

The workshop was chaired by Professor John Gardner FBA (University College) and heard presentations by Peter French, Douglas Husak, Christopher Kutz, Sandra Marshall, David Miller, Kenneth Simons, Jenny Steele, and Irit Samet. The presenters addressed a diverse range of issues including contributory negligence, accessory liability, corporate responsibility, global poverty, and proprietary estoppel.

James Goudkamp

Société Internationale pour l'Histoire des Droits de l'Antiquité "Fernand de Visscher"

From 18 to 21 September 2012 the 66th congress of the Société Internationale pour l'Histoire des Droits de l'Antiquité "Fernand de Visscher" took place in Oxford.

It was the third time that the SIHDA convened in Oxford; the last such event was organized by Peter Birks in 1993. It is an association of legal historians in Mesopotamian, Greek and Roman Law – the latter, unsurprisingly, usually forming

a majority. While the association has in the past selected themes reflecting an aspect of antiquity, this year's organizer, the Regius Professor of Civil Law in Oxford, Boudewijn Sirks, had proposed as the theme the "Reception of Law". This theme encompassed, for example, Greek law as introduced in ancient Egypt but also afforded, as he emphasized, the opportunity for papers on the reception of Roman law from the Middle Ages

Lord Leveson Delivers Halsbury Society Lecture

Lord Justice Leveson, chairman of the ongoing inquiry into press culture and ethics, spoke on a modern approach to sentencing criminals at the Halsbury Society Annual Lecture in February 2013, at Merton College. Already distinguished as a prominent figure within legal circles, Lord Leveson (1967 and Honorary Fellow) has become a household name since his involvement in the phone-hacking inquiry and his subsequent report on press standards.

While alluding occasionally to the role played by the media, Lord Leveson confined his comments to the impact they have on the public image of criminal punishment. One of his most pivotal and influential roles is as Chairman of the Sentencing Council. Along with his team at the Council, he has sought to offer guidance to judges on sentencing for controversial crimes, such as drug smuggling by women from abroad, many of whom are unaware of the consequences of their actions. His talk was inspiring, as was his clear passion for the work he is doing.

The Halsbury Society Annual Lecture gives members of the Law Faculty and the University generally the opportunity to hear Mertonians who have gained prominence in the legal world discuss their achievements and offer their views on contemporary legal practice.

*Rebecca Davies
(2011, Law with European Law)*

Conference on the Eurozone Banking Union

On 11 and 12 April 2013, the Oxford Law & Finance Group hosted a conference on "The Eurozone Banking Union – Messiah or Flight of Fancy?". The conference was organized by Professors Paul Davies and Wolf-Georg Ringe.

The conference brought together scholars, practitioners, and regulators from across Europe and the US to discuss the impact of the proposed Banking Union. The conference was organized along the 'three pillars' of the Banking Union – supervision, resolution, and deposit guarantee – and united views from academics, the banking sector and European and UK regulators.

Papers and presentations were given by, inter alia, Thomas Huertas (Ernst & Young, formerly FSA), Guido Ferrarini (Genoa), Jeffrey Gordon (Columbia), Gérard Hertig (ETH Zurich), Luca Enriques (Harvard/Rome), Elena Carletti (EUI), Carol Sergeant (Liikanen Group), and Georg Ringe (Oxford/Copenhagen). The conference benefitted from two panel sessions and other contributions by Eddy Wymeersch (Ghent), Clemens Fuest (Mannheim/SBS), Eilís Ferran (Cambridge), Tobias Tröger (Frankfurt), Simon Gleeson (Clifford Chance), Dan Awrey (Oxford), Paul Davies (Oxford), Bob Penn (Allen & Overy), Andrew Whittaker (Lloyd's, formerly FSA), Carmine di Noia (Assonime), Ben Davey (Barclays), and Franz-Christoph Zeitler (formerly, Bundesbank).

The topics considered included economic and legal problems of the proposed Banking Union, its operability in practice, and the context of the European financial regulatory framework. A number of contributions drew on the perspective of political economy to explain the project. The two days' discussions yielded a frank and constructive dialogue. It was generally felt that the Banking Union is a worthwhile project, but needs to be shaped in a robust legal framework and to respond to key economic incentives.

Paul Davies and Wolf-Georg Ringe



Eurozone conference photos © John Cairns

Nazila Ghanea to serve on OSCE Panel

Dr Nazila Ghanea has been called to serve on the Organization for Security and Co-operation in Europe (OSCE) Advisory Panel of Experts on freedom of religion or belief for a three-year term.

This Panel of Experts is composed of 12 members from throughout the 57 participating states of the OSCE from Europe, Central Asia, and North America. Falling within the 'human aspects of security' and human rights dimension of the OSCE's work, the Panel of Experts is an advisory and consultative body dealing with OSCE political commitments relating to religious freedom. It assists participating states, OSCE field operations, and civil society in identifying, preventing and responding to intolerance and discrimination based on religion or belief.

onwards. As a result, many of the 85 papers, presented on 19–21 September, dealt with the vestiges of Roman law in modern codifications. The main venue was St Catherine's College, where some 175 participants were hosted and where the papers were presented. The attendance was multinational: visitors from many European countries were joined by conference delegates from the three Americas and from Japan and Korea.

The congress was opened by the Vice Chancellor, Professor Andrew Hamilton, in the Codrington Library at All Souls College on 18 September. On that, and the subsequent, evening, the participants were invited to attend a concert in the Chapel of All Souls College, given by The Marian Consort and led by Rory McCleery, who presented music fit for the surroundings: *In manus tuas* – Music for the close of the day, and Music from the Court

of Maximilian I. In this fashion, both sides of Oxford, mediaeval and modern, formed a splendid forum for the visitors. A gala banquet closed the congress on the Friday.

*Boudewijn Sirks,
Regius Professor of Civil Law*

Honorary Degrees for Andrew Li Kwok Nang and Anne Owers

Two leading figures from the legal community have received honorary degrees at Encaenia, the annual honorary degree ceremony.

The Honourable Andrew Li Kwok Nang, the first Chief Justice of the Court of Final Appeal of Hong Kong, and Dame Anne Owers, the Chair of the Independent Police Complaints Commission, were made Doctors of Civil Law. The ceremony took place on 19 June in the Sheldonian Theatre.

Andrew Li Kwok Nang, GBM, CBE, LL.M., is the former Chief Justice of the Court of Final Appeal of Hong Kong. He has served as a member of the Executive Council of Hong Kong, Steward of the Hong Kong Jockey Club, Chairman of the Hong Kong University Grants Committee and of the Hong Kong Land Development Corporation, Vice-Chairman of the Council of the Hong Kong University of Science and Technology, and Vice-Chairman of the Council of St Paul's Co-Educational College. He has also served on the Judicial Service Commission, the Law Reform Commission, and the Securities Commission.

Dame Anne Owers, DBE, BA, is the Chair of the Independent Police Complaints Commission, and served as Her Majesty's Chief Inspector of Prisons from 2001 to 2010. Between 2010 and 2011 she chaired an independent review of the prison system in Northern Ireland. She has previously served as Director of Justice, the UK-based human rights and law reform organization. She is currently a non-executive director of the Criminal Cases Review Commission and holds a number of other voluntary roles in the area of penal policy and activity. Anne served on the External Advisory Board for the Centre of Criminology from 2006–2011.



Encaenia photos © John Cairns



Festschrift for John Finnis

On 20 June, the Oxford Jurisprudence Discussion Group hosted a special event in the Gulbenkian Lecture Theatre to mark the publication of the edited collection *Reason, Morality and Law: The Philosophy of John Finnis* (George and Keown eds, OUP 2013), a compendium of 27 essays that critically engage with Professor Finnis's work in moral, legal and political philosophy, and theology.

The event featured panel contributions from Dr Maris Köpcke Tinturé, Professors Timothy Endicott and Jeremy Waldron, and replies from Professor Finnis.

John Keown, one of the volume's editors (and Professor of Christian Ethics at Georgetown University) gave an introduction to *Reason, Morality and Law*, and presented a leather-bound copy of the volume to Professor Finnis.

John Finnis was the Professor of Law & Legal Philosophy at University College, Oxford from 1989 until his recent retirement in 2011, and is now Professor Emeritus at Oxford, and Professor of Law at the University of Notre Dame. His book *Natural Law and Natural Rights* is one of the seminal texts in legal philosophy, and he is best known for his contributions to discussions of the relationship between law and morality, and for his debates about this relationship with H L A Hart.

The Tax Group

Tax has been in the public eye more than ever this year and the Oxford Law Tax Group has been very actively engaged in the wider debate as well as the usual academic activities and publications referred to elsewhere in Law News. With the Oxford University Centre for Business Taxation (OUCBT) the group has held high profile conferences, attracting leading speakers on the G20/OECD programme for preventing tax base erosion, on the GAAR and on tax transparency and reputational issues.

Professor Judith Freedman lectured on tax avoidance at conferences in the UK and in various other countries throughout the course of the year, including Japan (where she addressed leading Asian tax officials at the fourth IMF-Japan High level Tax Conference for Asian Countries), China and Australia. Her visit to Australia was part of the Melbourne – Oxford exchange, funded by Allan Myers.

Glen Loutzenhiser gave a presentation on the sham doctrine in the James Hausman Tax Law and Policy Workshop Series at the Faculty of Law, University of Toronto, as well as speaking at the University of British Columbia.

John Vella (OUCBT) gave evidence together with OUCBT director Michael Devereux, on the taxation of banks, before the Parliamentary Commission on Banking Standards and also to the House of Lords EU Sub-Committee A on the EU Commission's proposal to introduce a Financial Transaction Tax (FTT) through the Enhanced Cooperation Procedure. Judith Freedman gave evidence to the House of Lords Finance Bill Sub-Committee on the new General Anti Abuse Provision, and to the House of Lords Economics Affairs Committee on the Future of Corporation Tax. Anzhela Yevgenyeva (OUCBT) submitted written evidence to HM Treasury, 'The Balance of Competences between the United Kingdom and the European Union: Taxation'. The reports of these bodies have frequently cited the OUCBT evidence.

The jury of the highly competitive international Mitchell B Carroll Prize of the International Fiscal Association gave an honourable mention to Anzhela's DPhil thesis on 'Direct Taxation and the Internal Market: Assessing Possibilities for a More Balanced Integration'.



MLF – Successful and Growing!

After three successful years of the new MSc in Law and Finance programme, the Law Faculty is delighted to be welcoming an expanded cohort for 2013–2014, reflecting the strength of the programme’s academic reputation and success in attracting some of the brightest and best students from around the world. Forty-six places are available for the 2013–2014 programme, up from around 30–35 in each of the three previous years.

Launched in 2010, the MLF is a full-time, postgraduate course, taught in conjunction with the Saïd Business School, designed to offer outstanding students with a legal background a unique opportunity to develop advanced understanding of issues at the intersection of law and finance. As a result, MLF graduates are exceptionally well qualified to address some of the most important issues facing business, government, law, and regulators. In 2012, as the MLF Employment Report shows, over 96 percent of those seeking employment had accepted job offers within three months of completing the programme, which subsequently rose to 100 percent.

Needs-Based Financial Aid

Entry to the MLF is extremely competitive. To this end, the Law Faculty has funded a modest needs-based financial aid scheme for MLF applicants, under which awards have been made to six incoming students on the 2013–2014 programme. It is hoped that this financial aid will make it easier for outstanding candidates to take up places on the programme, irrespective of financial circumstance. In light of the success of the scheme, similar awards will be offered again next year, and we hope that the scheme’s scope can be augmented by support from private donors in years to come.

The Student Experience

The MLF class of 2012–2013 were a diverse group drawn from 22 different countries and with a variety of legal backgrounds and professional experience, making for a stimulating and active student body. A full programme of seminars and social events ensured that students had many opportunities to socialize with each other, with Faculty, and with students on other programmes in the Law Faculty and the Saïd Business School, outside of class-time. Highlights included formal Welcome and End of Year dinners taking place in the historic settings of Balliol College and Oriel College respectively. At the former, fresh-faced recruits began forming what would, in many cases, prove enduring and valuable friendships. The latter provided an opportunity for graduands to reflect on the scale of achievements made over the course of nine months at Oxford.

Sharon Cheramboss, an MLF student from Kenya, described her experience of the MLF as ‘an intensive yet rewarding process’ that has ‘opened doors to numerous opportunities and has enabled me to make prolific friendships and to grow academically’.

Similarly, Yusaku Kurahashi, from Japan, found the MLF ‘challenging and rewarding’, and no doubt spoke for his classmates in thanking the Law Faculty for its ‘passionate interest in the development of the programme’.

IP Scholars Gather for ATRIP 2013 Congress

On 23–26 June, over 180 delegates from 41 countries gathered in Oxford at Pembroke College for the Thirty-Second Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP).

ATRIP, the leading international association of intellectual property scholars, was meeting in the UK for only the second time. The theme of the Congress was “Is Intellectual Property a *Lex Specialis?*”, which allowed exploration of the supposedly exceptional nature of intellectual property law. Panels considered the extent to which intellectual property laws displace or conflict with generally applicable legal rules, canvassing the interaction between intellectual property law and property law, contract law, procedural law, consumer law, administrative and constitutional law, conflicts of law, international law, and competition law. In addition to vigorous debate during the formal sessions and informal breakfast roundtables, delegates enjoyed a reception at the Pitt Rivers Museum and a formal dinner in Pembroke College Hall. The highlight of the formal dinner was an address by Lord Justice Mummery on the nature of change in intellectual property law. The Congress was hosted by the Oxford Intellectual Property Research Centre. At the conclusion of the Congress, the Presidency of the Association passed from Professor Graeme Dinwoodie, whose two-year term was completed, to Professor Tana Pistorius of the University of South Africa.

MLF photos © John Cairns

Photos - Facing page, from top: Andrew Li Kwok Nang after receiving his honorary degree; Anne Owers at Encaenia; ATRIP 2013 delegates outside Pembroke College. This page, clockwise from top-left: MLF student Sharon Cheramboss; MLF student Yusaku Kurahashi; the MLF end-of-year dinner; Tax specialist John Vella; (centre photo) John Finnis.

The University of Oxford Centre for Competition Law and Policy

This year has seen the launch of several exciting initiatives at the University of Oxford Centre for Competition Law and Policy (CCLP). These activities complement the ongoing research, teaching and conference activity at the Centre.

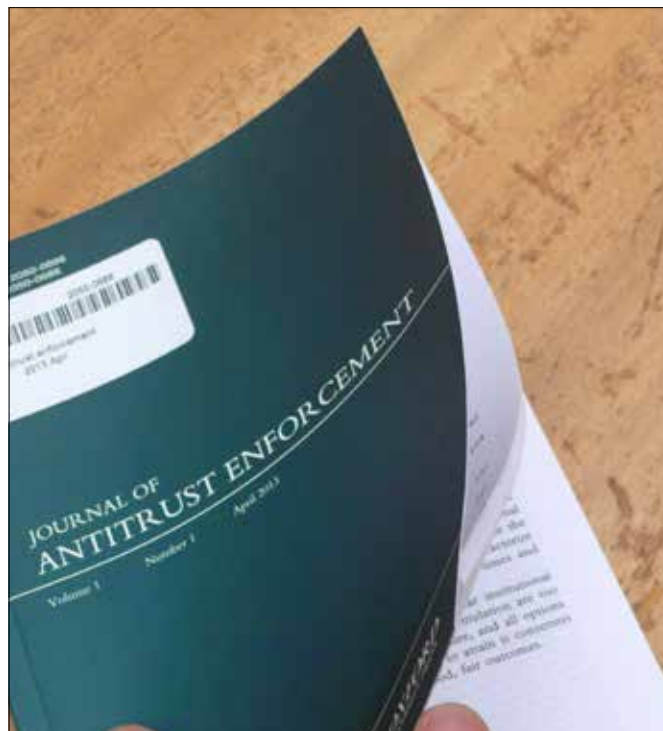
The Journal of Antitrust Enforcement

Earlier this year the CCLP launched the *Journal of Antitrust Enforcement* (JAE) in conjunction with the George Washington University Competition Law Centre. The JAE is published by Oxford University Press (OUP) and provides a platform for scholarship relating to public and private competition law enforcement. The first issue of the JAE was published in April 2013 and includes a range of articles by leading academics,

practitioners and competition officials. The articles may be accessed freely on the OUP website.

The Antitrust Enforcement Symposium

The CCLP hosted its second Antitrust Enforcement Symposium in June 2013. The two-day event, held at Pembroke College, brought together leading academics, competition officials, policy makers and practitioners, for a stimulating, in-depth discussion of the law, economics and policy of antitrust enforcement. The aim of this yearly event is to explore, in a candid atmosphere, the scope and limit of national enforcement and international cooperation, and to identify current and future issues in antitrust law enforcement.





Capacity-Building Programmes

The CCLP launched a new capacity-building programme under which competition agency representatives visit the CCLP for advanced competition study. During their visit, officials attend lectures and seminars, meet competition officials from the UK, and spend time researching areas of law and policy that are of interest to their home jurisdiction. The programme is supported by the United Nations Conference on Trade and Development.

The Value of Competition

'The Value of Competition' is a novel pro-bono programme dedicated to educating secondary school students about

the benefits of competition and the role of competition enforcement. The programme aims to support the creation of a 'competition culture' around the world. As part of the programme the CCLP, with the help of volunteers around the world and local competition agencies, delivers introductory sessions at schools and community centres. presentation materials in various languages and 'train the trainer' sessions are provided by the CCLP.

For further details see the CCLP website (www.competition-law.ox.ac.uk).

*Ariel Ezrachi
Director, CCLP
Slaughter and May Professor of Competition Law*



Photos from the 2013 Antitrust Symposium, including (centre row, l-r) images from the Leniency Panel, the Criminal Sanctions Panel, and the Agency Effectiveness Panel.

Centre for Criminology

Centre Activities

All Souls Seminar Series

This year's varied and vibrant All Souls seminar series included presentations from Shami Chakrabarti, Director of Liberty, Jon Collins from the Police Foundation, Hindpal Singh Bhui from HM Inspectorate of Prisons, and Christopher Dean from the Extremism Team Lead, Interventions Unit, National Offender Management Service, alongside academics such as Dario Melossi, Dick Hobbs, Nicola Lacey, Ian O'Donnell, Eamonn Carrabine, Mary Bosworth, Susan McVie, Peter Neumann, David Soskice, Mike Hough, and Lucia Zedner. Our seminar series ended in May with the Annual Roger Hood Public Lecture presented by Professor Andrew Ashworth.

"Brown Bag" Seminars

In addition to the All Souls seminar series, the Centre runs a more informal "Brown Bag" seminar series. This year we have benefited from presentations given by Peter Neyroud, Jamie Bennett, Marianne Colbran, Pia Greene, Gosia Pearson, Efrat Arbel, Ambrose Lee, and Gavin Smith.

Centre 'Open Day' 23 May 2013

In May this year, in response to student demand and in recognition of the career paths our graduates take, we held a Centre for Criminology Open Day, before our annual Roger Hood lecture. We showcased research and career opportunities outside the university sector, with speakers from the Prison Reform Trust, the Howard League, the Police Foundation, and Reprieve. It was a great success and we plan to make this an annual event.

Centre Blog

The Centre for Criminology launched its blog in late 2012 (<http://crim.law.ox.ac.uk/>) as a place for Centre members to report on their activities, comment on news stories, advertise events, and contribute anything else they think might be of interest.

Centre News

New Appointments

Inês Hasselberg and **Sarah Turnbull**, both Postdoctoral Research Fellows, are responsible for leading two projects within Mary Bosworth's European Research Council funded research endeavour. Inês is working on 'The Postcolonial Prison: Citizenship, Punishment and Mobility', while Sarah's project is called 'Home and Away: Gender, Nation, Deportation'. Sarah has come from the University of Toronto, while Ines has come from Lisbon, via the University of Sussex.

Julia Viebach is the Oxford Transitional Justice Post-Doctoral Fellow in the 'Ways of Knowing After Atrocity' ESRC Knowledge Exchange Project, led by Dr Nicola Palmer at King's College, London and Professor Carolyn Hoyle at the Centre. Julia came to Oxford from the Center for Conflict Studies at the Philipps-University of Marburg in Germany and is currently completing her PhD on Memorialization and Transitional Justice.

Dr Ben Bradford has been appointed to a four-year Departmental Lectureship in Criminology from 1 October 2013, having spent the past three years as a Career Development Fellow. Ben is involved in a number of recently funded projects on the use and impact of mounted police units, the Queensland Police community engagement trial and integrated offender management.

Dr Jonny Steinberg has been appointed to a lectureship in African Criminology – a post shared with the Oxford Centre for African Studies. Jonny's research explores criminal justice agencies and actors during transitions to democracy. While he has particular expertise in South Africa, lately his work has focused on Liberia's recent civil war, and some of the questions it has raised about migration, exile, and transitional justice. This year he was named as one of nine recipients of the Windham-Campbell Literary Prizes for 'an established body of work of outstanding achievement' in the category of non-fiction.

Dr Alpa Parmar will take up a two-year Departmental Lectureship in October. Dr Parmar, who did the MPhil and DPhil in Criminology at Cambridge, has expertise in policing, counter-terrorism, and issues of race and gender.

Michelle Miao has been appointed to the fourth Oxford-Howard League post-doctoral fellowship. Michelle recently successfully defended her DPhil on the death penalty in China, supervised by Carolyn Hoyle. Her predecessors in this post are: Dr Ana Aliverti, who leaves the Centre in August to take up a lectureship in Law at the University of Warwick;



(l-r): new appointees Inês Hasselberg, Sarah Turnbull, Julia Viebach, Ben Bradford, Jonny Steinberg, Alpa Parmar, Michelle Miao, Ambrose Lee

Dr Marianne Colbran, who continues her research on police/news media relations, and news media coverage of penal issues; and Dr Mai Sato, who is working on an EU-funded project (FIDUCIA) on trust in justice, doing consultancy work for the UNDP advising Turkish police officers how to utilize citizen satisfaction surveys, and working with Carolyn Hoyle on her research on the Criminal Cases Review Commission.

Dr Ambrose Lee took up a Leverhulme Early Career Fellowship. His three-year research project is entitled 'Internal Constraints to Coercive Harm Prevention'.

Other News

Professor Lucia Zedner was elected as Fellow of The British Academy in 2012.

Professor David Nelken, Visiting Professor at the Centre for Criminology, has been honoured by the Law and Society Association (LSA) and was presented with the 2013 laureate of the Law and Society Association International Award at the LSA annual meeting in Boston in May 2013.

Julian Roberts and **Andrew Ashworth** organized a seminar on Sentencing Guidelines at All Souls College in July 2012. Lucia Zedner and Andrew Ashworth have continued to develop their work on their Preventive Justice project hosting workshops and seminars in Minnesota, London, and Oxford, and in November 2012 Lucia Zedner and Julian Roberts launched a *festschrift* for Andrew Ashworth.

Professor Julian Roberts was reappointed to the Sentencing Council of England and Wales.

Dr Liora Lazarus commenced her British Academy Mid-Career Fellowship in October 2012 and has been busy on her research on 'Juridifying Security' and associated projects. She is also part of an interdisciplinary group – investigating Human Rights for Future Generations – which received three years of support from the Oxford Martin School.

Research

Dr Mary Bosworth has received a European Research Council Grant for her work on 'Incarceration in a Global Age', and **Carolyn Hoyle** has received a Leverhulme Grant for her work on 'Discretion and Decision-making at the Criminal Cases Review Commission'.

(Further information at www.crim.ox.ac.uk/projects.php.)

MSc Student News

During the academic year 2012–2013 our cohort of 27 MSc Criminology & Criminal Justice students and six new DPhil students joined our graduate community and showed themselves to be as impressive as those that came before them. MSc student Richard Martin recently published a paper in the *Criminal Law Review* entitled 'The Recent Supergrass Controversy: Have we learnt from the troubled past?' (2013(4) CLR 273–89); Sophie Evekink was awarded an internship at the United Nations in New York, and Shona Minson won the Sunley Prize for her Masters dissertation, 'Mitigating Motherhood'.

The Fifth Annual Postgraduate Criminology Conference took place at the Centre on 29 and 30 August 2013. Keynote speakers included Eammon Carrabine, Fergus McNeill, and Richard Sparks. The programme featured an expert panel on disseminating research in the digital age. Above all, however, this was a chance for postgraduate students to present their work to their peers.

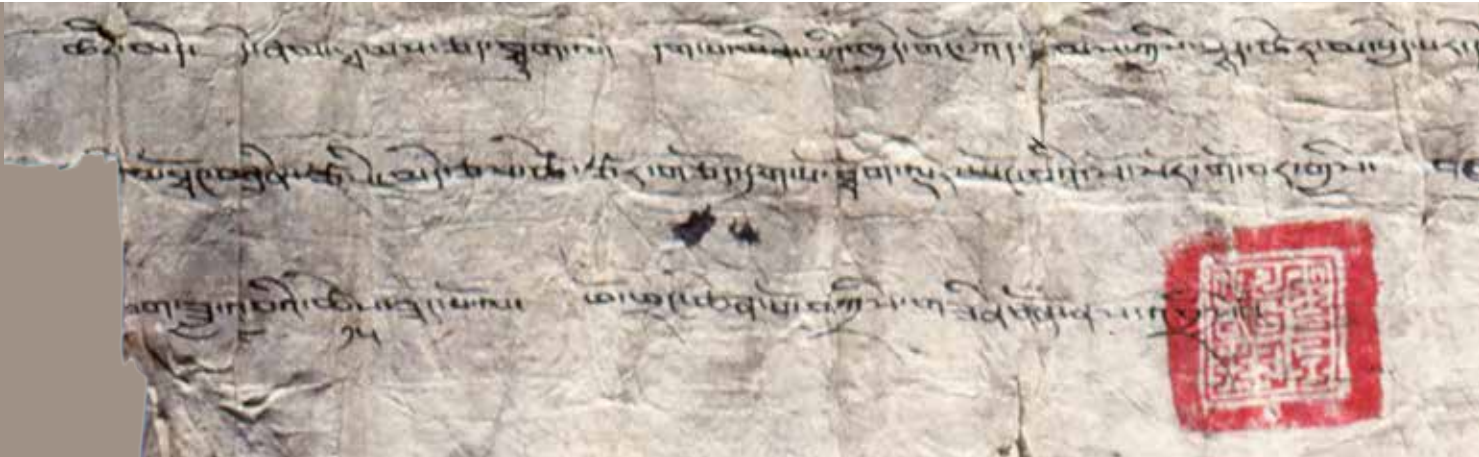
DPhil Student News

A number of our students successfully defended their DPhils, including Harry Annison (supervised by Ian Loader) who has taken up a lectureship in the Law Faculty at the University of Southampton later this year; Daniel Pascoe (supervised by Carolyn Hoyle) who is doing pro bono work for Reprieve; Chris Giacomantonio (supervised by Ian Loader) who has recently taken up a position as an analyst with RAND Europe's Communities, Safety and Justice Research programme; Michelle Miao (supervised by Carolyn Hoyle) who has been appointed to the Oxford–Howard League post-doctoral fellowship; Mark Walters (supervised by Carolyn Hoyle) who is now a lecturer in criminal law and criminal justice at Sussex Law School; Emma Kaufman (supervised by Mary Bosworth) who is now at Yale Law School (her book on foreign national prisoners in England and Wales is forthcoming in the Oxford Clarendon Series in Criminology).

And goodbye to Professor Nicola Lacey who is leaving us for the LSE, and Professor Andrew Ashworth who is retiring.

Dr Carolyn Hoyle
Director of the Centre for Criminology

Centre for Socio-Legal Studies



Cross-Cultural and Comparative Research

Neither laws nor societies stand still. It is one of the paradoxes of law that it often projects an image of fixity, tradition, and eternal truth. The English common law is historic and presents itself as traditional; the power and appeal of human rights and transitional justice in the modern world are connected to their claims to uphold and articulate essential and enduring values; and further afield, laws in the Islamic and Indic worlds are regarded as embodying religious truths, giving them a powerful influence among a substantial and diverse population. Yet law is also an instrument of government: it has always been employed by rulers to command and regularize, and it is supposed to be responsive to new social configurations and needs. The demands of the information society and international concern with environmental regulation – studied at the Centre by David Erdos and Bettina Lange – are among the newest, and most challenging, issues for law-makers. Laws are experienced, resisted, manipulated, and employed in manifold forms and contexts in the modern world.

This paradox invites reflection. Constitutions are supposed to be foundational documents, yet historical and cross-cultural work headed by Professor Denis Galligan indicates that they are frequently overturned or revised; enduring values seem to emerge, instead, in the provisions and norms that are repeated and borrowed, which new draftsmen seem bound to adopt in different contexts. Meanwhile, research on contemporary laws in Africa and Asia indicates that historic traditions and values shape the experience, understanding, and effects of new legal configurations, however modern they might appear, and however obviously derived from the powerful legal influences of Europe and North America. The challenge is then to explore these diverse influences without lapsing into historic or cultural determinism. These are issues addressed by Marina Kurkchiyan in her project on legal culture in Russia, Rogier Creemers in his work on modern law in China, Iginio Gagliardone, and Nicole Stremlau in their project on media law in east Africa, and Fernanda Pirie in her study of Tibet.

Recurrent tensions between the traditional and the modern, between essential values and contemporary needs, seem to represent a long-standing paradox in the role that laws play in different societies. These are just some of the issues that call for cross-cultural and comparative approaches to the study of law in society – or, more accurately, to ‘laws in societies’. This form of socio-legal scholarship, already characterized by many research projects at the Oxford Centre, is being strengthened by three new projects initiated in 2013. Agnieszka Kubal, who joins the Centre as a Research Fellow, is studying the experience of law by migrants, the nexus



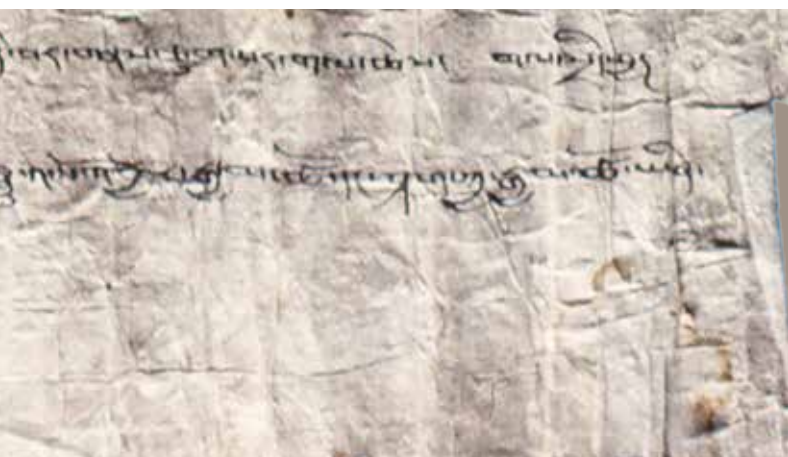
(l-r): Agnieszka Kubal, Petra Mahy

between rights and citizenship, and questions of legality and semi-legality; her new project in Russia builds on similar work among Poles in the UK. Also joining us is Petra Mahy, who is pursuing a comparative project on legal history in south-east Asia, particularly the development of company and labour laws during and since the colonial period. These projects complement the Centre’s existing research on Russia and in east Asia (China and Tibet). Complementing and extending the project on Civil Justice, headed by Chris Hodges, Naomi Creutzfeldt-Banda has launched a new study, which compares the perceptions, impacts, and legitimacy of different types of ombudsmen – in public and private sectors – across different European jurisdiction. In all these projects, comparisons and sensitivity to cross-cultural continuity and difference, mark the contribution of the Oxford Centre to research on law in society.

The Centre has for many years provided a supportive institutional base for young researchers, encouraging innovation and cutting-edge research projects. We are delighted when they move on to new positions, although it is always sad to lose our brightest and best. Among these is David Erdos, who takes up a lectureship in Cambridge, where he will continue with his work on the information society and encourage new researchers to explore and compare the manifold complexities of laws in different societies around the world.

*Dr Fernanda Pirie
Director of the Centre for Socio-Legal Studies*





Programme in Comparative Media Law and Policy

The Programme in Comparative Media Law and Policy (PCMLP) is strategically positioned to respond to the dramatic changes in communications technology that are transforming our societies. Focusing on Asia, Africa, and the Middle East, PCMLP was boosted through several new research grants over the course of the year. A large grant from the United Nations in Somalia supported research on media development and regulation. Working in partnership with local researchers, and with the involvement of the Government of Somalia and the United Nations, PCMLP offered input and comparative perspectives on a new draft Communications Act. This research will be further developed over the next two years in partnership with the University of Pennsylvania through a Carnegie Corporation grant that was awarded for research on exploring how new Information Communications Technologies (ICTs) are regulated and what role they are playing in state-building and peace-building in Somalia, Ethiopia, and Kenya.

PCMLP has also had an exciting events calendar. Apart from annual events such as the Price Media Law Moot Court and the annual Annenberg Oxford Media Policy Summer Institute, Dr Iginio Gagliardone organized an international conference on *New Trends in African Media: the Growing Role of China*, which brought together, for the first time, the Directors of CCTV Africa and Xinhua Africa along with academics, journalists from the BBC and Al Jazeera, and organizations such as the Carter Center. Some of these themes were further developed during a Trinity Term Seminar Series on ICTs and Development held in collaboration with the Oxford Internet Institute.

As part of a joint project with Renmin and Peking Universities, and the Great Britain China Centre, a series of workshops was also organized in Beijing and a seminar series was held in Hilary Term on Chinese Media Law and Policy. This vibrant programme has allowed PCMLP to become a focal point for Chinese media law research both in Oxford and abroad. Our China research received a further boost by Dr Rogier Creemers' award of the Dutch Government's post-doctoral Rubicon Fellowship, and we welcomed several leading Chinese scholars to Oxford for research visits including Professor Li Danlin, who spent a year with us on leave as head of the Media Law Faculty at the Communications University of China and Professor Shi Zenzhi of Peking University's Department of Political Science.

Finally, we are delighted that our media law research and the Price Media Law Moot Court received a boost through a grant from the Open Society Foundations. Through this grant, we have been able to appoint Dr Paolo Cavaliere, who joined us from the Central European University in Budapest in January 2013, and has been a valuable addition to our team.



Foundation for Law, Justice and Society

Annual Lecture in Law and Society tackles illusion of tax fairness

The thorny issue of tax fairness provided the timely focus of the 2013 Annual Lecture in Law and Society at Wolfson College on 27 June 2013, organized by the Foundation for Law, Justice and Society in association with the Centre for Socio-Legal Studies. Professor Liam Murphy from New York University delivered the inaugural lecture to be held at the new Leonard Wolfson Auditorium before an audience of legal philosophers, business representatives, and tax experts.

In the wake of the **House of Commons debate on tax fairness** and increasing public outrage at tax avoidance by Google and other multinationals, Professor Murphy assessed how misunderstandings of the ethical bases of the central legal institutions of a market economy badly distort political debate on tax and other issues of social justice.

Professor Murphy, the Herbert Peterfreund Professor of Law and Philosophy at the New York University School of Law, argued that the framework for discussion of tax fairness is an illusion based on libertarian conceptions of the law deeply ingrained in market societies, and that, by buying into this illusion, we are, in effect, being misled by the surface value of law.

Drawing on examples such as the popular revolt at Margaret Thatcher's introduction of the poll tax and principles of equal and increasing real sacrifice, he demonstrated that, rather than a myopic view of taxation focusing merely on the burdens and not the benefits of taxation, we should instead focus on outcomes and what level of tax is necessary to bring about a good society.

The Annual Lecture formed the culmination of a busy year at the Foundation for Law, Justice and Society, which included a lecture by the Chief Economist of the *Financial Times*, Martin Wolf, and András Sajó, Judge at the European Court of Human Rights.

Videos and audio podcasts of the annual lecture and other FLJS events are available at www.fljs.org/video.

The Institute of European and Comparative Law

This year the Institute of European and Comparative Law (IECL) has completed a major three-year project on European contract law. The project involved some 40 scholars from the UK and Germany and was organized in collaboration with Professor Gerhard Dannemann from the Berlin Humboldt University. It analysed the interaction of a (potential) optional European instrument establishing a uniform legal framework for cross-border contracts.

The project received a substantial grant from the Arts and Humanities Council and the Deutsche Forschungsgemeinschaft. The findings have been published with Oxford University Press: Gerhard Dannemann and Stefan Vogenauer (eds), *The Common European Sales Law in Context: Interactions with English and German Law* (2013).

At the same time, no less than three volumes assembling the contributions to previous IECL conferences saw the light of day in early 2013. Sybe de Vries, Ulf Bernitz and Stephen Weatherill edited *The Protection of Fundamental Rights in the EU After Lisbon*. Katja Ziegler and Peter M Huber were responsible for *Current Problems in the Protection of Human Rights*. Dorota Leczykiewicz and – again! – Stephen Weatherill edited *The Involvement of EU Law in Private Law Relationships*. All the volumes were published in the Institute's by now well-established series 'Studies of the Oxford Institute of European and Comparative Law' with Hart Publishing.

Moreover, we continued to run the Faculty's EU Law and Comparative Law Discussion Groups that brought in a great number of external and internal speakers to address topical issues. We also organized the usual raft of conferences, workshops and symposia on topics including "Current Issues in the Law of Arbitration: French, British and European Perspectives", "Why Competition Law?" (I had always wondered), "Innovation, Choice and Competition Policy" in our annual series on "Trends in Retail Competition: Private Labels, Brands and Competition Policy", "Antitrust Enforcement" and the UNIDROIT Principles of International Commercial Contracts 2010.

Our new collaboration with the Stockholm Centre of Commercial Law and the Law Faculty of the University of Stockholm was launched with a one-day conference at Christ Church before the beginning of Michaelmas 2012. In Hilary term we held a seminar aiming to introduce junior researchers in financial markets law from Stockholm to Oxford scholars with similar interests and vice versa.

The Oxford French Law Moot is now in its fifth year. Twelve teams from all over Europe came to the IECL to moot a case based on French law and in the French language before a panel



of French judges in March. The team from University College London carried the day.

As the AHRC-funded programme came to an end, Dr Caroline Harvey, who had been employed on the grant for two years, left the Institute. At the same time, the fixed-term contracts of Dr Katja Ziegler (Brost Lecturer in German and EU Law) and Dr Georg Ringe (DAAD Lecturer in German and EU Law) expired. We were very sorry to lose them all but were delighted to see them all going off to excellent positions (Freshfields Frankfurt office, the University of Leicester and the University of Copenhagen, respectively).

We welcomed Dr Konstanze von Papp as the new Brost Career Development Fellow. She joined us from Allen & Overy in London. Dr Andreas von Goldbeck-Stier, the new DAAD Lecturer, moved from the Hamburg Max Planck Institute for Comparative and Private International Law. They were both introduced with a short piece in the last issue of *Law News*. Both are experts in international commercial arbitration and will, among other things, establish a new BCL course in this field.

Another arrival from the Hamburg Max Planck, Dr Jan Peter Schmidt, left all too soon and handed over to the new Max Planck Fellow, Juan Carlos Dastis, who will spend the customary year at the IECL. He will be joined by Dr David Langlet from the University of Stockholm, our second Stockholm Centre Oxford Fellow, funded by the Stockholm Centre for Commercial Law. David is an expert in European environmental law and will work on reconciling the scramble for mineral resources and the imperative of sustainability in the trade law regime. He will replace Dr Gustaf Sjöberg, a banking lawyer, who returns to Stockholm after a year at Oxford. Dr Michal Bobek, our Volkswagen State of the State Fellow, finalized his book with Oxford University Press and moved on to become a professor at the Collège d'Europe in Bruges.

In October 2013 we will be joined by Dr Rodrigo Momberg Uribe from the Universidad Austral de Chile. He will join the IECL as a Career Development Fellow in Comparative Law for three years. Finally, we look forward to welcoming Professor Marie Goré from the University of Paris II (Panthéon-Assas) as our 2014 French Visiting Fellow. This new programme was established in 2013, with Professor Philippe Stoffel-Munck as the first French Visiting Fellow. It will enable professors from Paris I (Panthéon-Sorbonne) and Paris II to spend a month at Oxford in order to pursue their research and establish links with the Oxford Faculty.

Another important personnel matter concerns the co-ordination of our highly successful 'Law with Law Studies in

Europe' degree (internally known as 'Course 2'), a four-year programme that runs alongside our ordinary three-year BA in Jurisprudence and enables students to spend one year at one of our European partner universities. In the summer, Professor John Cartwright stepped down from being Academic Director of Undergraduate Exchanges, a post he had held, with a short interruption, for more than a decade and which he had filled so efficiently that it went almost unnoticed that Course 2 is the biggest undergraduate exchange in the university and that the Course 2 students tend to achieve the best finals results among the Law undergraduates. We are all tremendously grateful to John for his sterling work. He will be replaced by Nick Barber.

As usual, I am delighted to add a few further notes of thanks. At the IECL we are fortunate to have the support of many individuals and institutions that enable us to offer a range of events and activities that contribute to the strength of the Oxford Law Faculty. First among them is our major benefactor, Clifford Chance LLP, which supports the organization of Course 2 and our conference programme. Gide Loyrette Nouel LLP sponsors the French Law moot, the DAAD funds the DAAD Lecturer, and the Wallenberg Foundation supported the Oxford Stockholm Wallenberg Venture in European Law for the past 10 years. As their funding expires, we are delighted that the Torsten Söderbergs Stiftelse and the Ragnar Söderbergs Stiftelse have stepped in to enable the continuation of the activities pursued by the venture. We are extremely grateful to all of our benefactors.

Looking ahead, we expect another eventful academic year. The Law Faculty recently decided to establish new undergraduate exchange programmes with a university in China and another university in the Far East. The negotiations will begin in the coming months, and Course 2 will soon be much more than 'Law with Law Studies in Europe'. Watch this space.

*Stefan Vogenauer
Linklaters Professor
of Comparative
Law and
Director of the
Institute*



Oxford Intellectual Property Research Centre

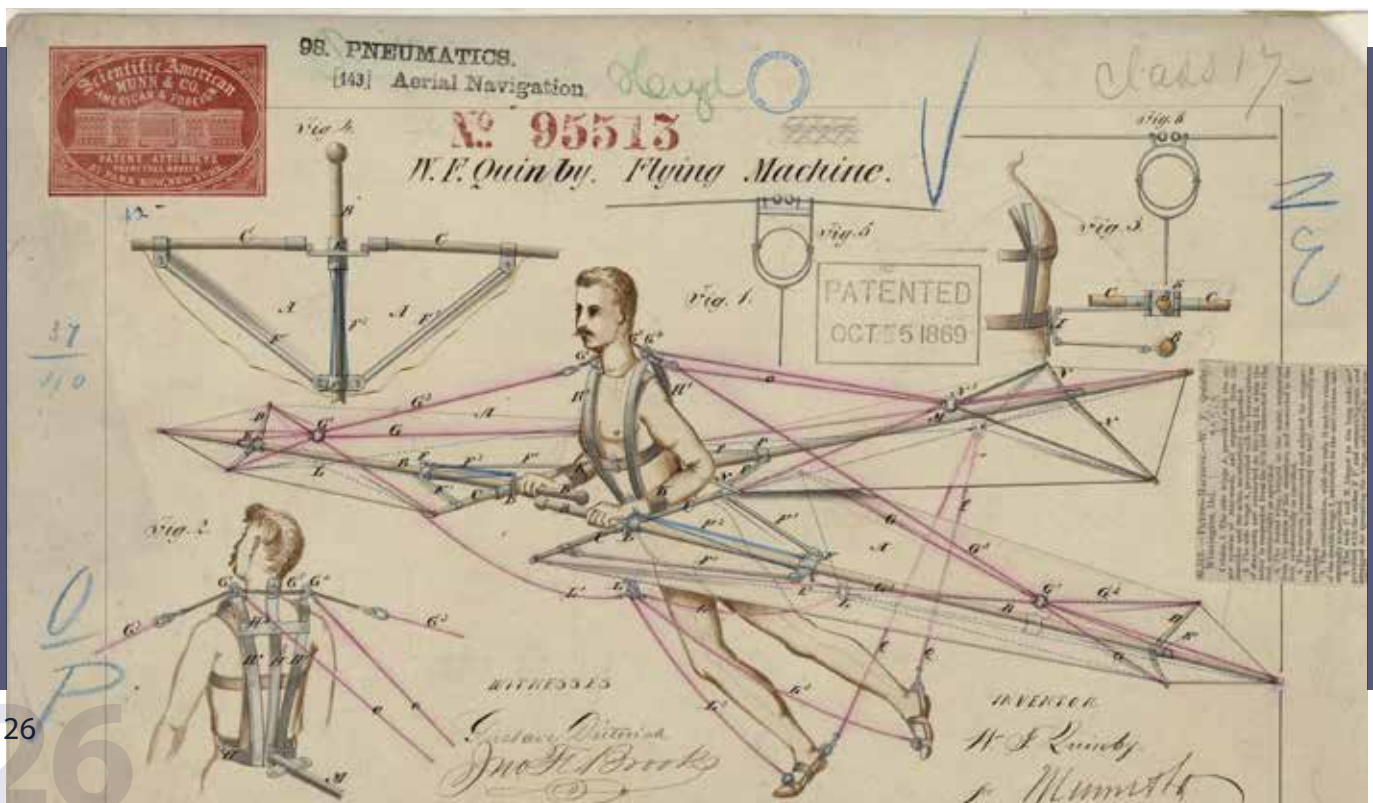
The Oxford Intellectual Property Research Centre provides a focus in the Law Faculty for a multidisciplinary community of intellectual property scholars. This year we hosted a number of projects with colleagues in non-law disciplines and partners with several institutions. In November 2012, the Centre hosted a well-attended conference on “The Future of Design Protection” organized in collaboration with the Centre for Intellectual Property Research at the Indiana University Maurer School of Law. The conference was attended by scholars, practitioners, judges, industry experts, and government officials from the US, Europe, China, and Japan, and was supported by Microsoft and the US law firm McAndrews Held & Malloy Ltd. A month later, the Centre hosted a workshop on “Empirical Studies of Trade Mark Data”. The workshop was co-sponsored with ETH Zurich, INNOTECH, the Engelberg Centre for Innovation Law and Policy, New York University School of Law, the Office of Harmonisation for the Internal Market, the US Patent & Trademark Office, and the University of East Anglia. The workshop is part of a broader project (being pursued with these same partners) to encourage and facilitate research in this fast-growing field. A follow-up workshop was held in September 2013 at the US Patent & Trademark Office in Alexandria, Virginia.

The Centre again organized the International Intellectual Property Moot Finals and Conversazione in March 2013. As well as the usual representation from the US, Canada, Australia, Hong Kong, Singapore, Germany, and the UK, the Moot welcomed to Oxford its first finalist from mainland China. Also for the first time, the moot was held at the St Cross Building. The grand finals and Conversazione were held at Pembroke College with the Finals Dinner at Brasenose College. The moot was won by the University of Ottawa, beating the

National Law University, Delhi in the grand finals. The topic for this year’s Conversazione was “IP: Forms and Functions”, at which we heard from Dr Dev Gangjee (London School of Economics), Dr Kirstin Kennedy (Victoria & Albert Museum), John Noble (British Brands Group), Dr Jon Sutch (Patheon), and Alistair Wilson QC (Hogarth Chambers).

The OIPRC Intellectual Property Invited Speaker Series featured a spectacular range of speakers across a wide range of topics. Fifteen talks were given by leading academics and practitioners from Europe and North America, including Professor James Leach (Aberdeen), Dr Elena Cooper (Cambridge), Professor Mark Janis (Indiana-Bloomington), Professor Tanya Aplin (King’s College London), Professor Kirsty Robertson (Western University), Professor James Miller (Georgia), Dr Linda Yueh (Oxford), Professor Georgina Born (Oxford), Dr Andrew Eisenberg (Oxford), Dr Roger Burt (former Senior IP Counsel, IBM-UK), Dr Matt Fisher (University College London), Michael Jewess (former Chief IP Counsel, BAE Systems), Dr Javier Lezaun (Oxford), Professor Mark Rose (California, Santa Barbara), Professor Ansgar Ohly (Oxford), and Professor Trudo Lemmens (Toronto). The speakers came from a variety of subject areas including Law, Music, Anthropology, Science and Innovation, Economics, and Visual Arts. Topics ranged from innovation and legal reforms in China, copyright in the nineteenth century, IP and creativity, to IP and human rights.

The Centre also hosted several seminars in Trinity Term. Pascale Chapdelaine (Osgoode Hall Law School) and Graham Reynolds (Dalhousie) gave a seminar on “Recent Developments in Canadian Copyright Law: Users’ rights, TPMs, Technological Taxis and other Canadian Stories”. The seminar was chaired by former centre Director, Professor David Vaver (Osgoode Hall Law School and University of Oxford). Pascale was a visiting student at the centre during



the academic year of 2012–2013. Professor Madhavi Sunder (University of California-Davis) came to Oxford to give a talk on her new book *From Goods to a Good Life: Intellectual Property and Global Justice*. In this book, Sunder calls for a richer understanding of intellectual property law's effects on social and cultural life. The book turns to social and cultural theory to explore more fully the deep connections between cultural production and human freedom. The centre co-sponsored a seminar on "How to Reshape Treaties without Negotiations: Intellectual Property Enforcement as a Case Study of Global Governance by Stealth" with the Oxford Centre for Global Economic Governance, involving a discussion between Dr Valéria Guimarães de Lima e Silva, a Hauser Fellow at NYU and previously an Oxford–Princeton Global Leaders Fellow, and Alison Slade (Oxford). Thomas Hale, of the Blavatnik School of Government, chaired.

Most recently, the Centre hosted the 32nd Annual Congress of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) in June 2013. The three-day Congress explored the theme of "Is Intellectual Property a *Lex Specialis*?" ATRIP is the leading international society for scholars and academics teaching and researching in the area of intellectual property. Speakers at the Oxford Congress included not only Professor Dinwoodie, but also Visiting Professor Ansgar Ohly, Dr Emily Hudson, and Dr Dev Gangjee.

News of Centre Members

Professor Graeme Dinwoodie concluded his term as President of ATRIP in June 2013, being only the second UK academic to serve in that role. He delivered a number of talks on trade mark and design law in Europe, the US, and Australia. He also participated in the filing of an opinion by the European

Copyright Society, a group of prominent European scholars, in the *Svensson* case pending before the Court of Justice, arguing that setting a hyperlink to a copyright-protected work did not amount to 'communication to the public' within the meaning of Article 3(1) of the Information Society Directive.

Professor Christine Greenhalgh was appointed a Visiting Professional Fellow at the Melbourne Institute of Applied Economic and Social Research. The institute includes the Intellectual Property Research Institute of Australia, which has links with the Oxford Intellectual Property Research Centre. She delivered public lectures on her paper with Philipp Schautschick entitled "Empirical Studies of Trademarks – The Existing Literature" at Melbourne as well as at IP Australia in Canberra. The same paper was also presented in the "Empirical Studies of Trade Mark Data" workshop at Oxford.

Dr Emily Hudson won the Melbourne Law School's Harold Luntz Graduate Research Thesis Prize for her doctoral thesis on copyright exceptions. She is currently working on a number of outputs arising from her doctoral work, including a book that is due to be published by Cambridge University Press in 2014. This work also informed a submission she co-authored to the Australian Law Reform Commission in December 2012, arguing in favour of the introduction of fair use in Australian copyright law. Emily has spoken about this and other research in presentations at, among others, the World Intellectual Property Organization in Geneva, the Melbourne Law School, the University of Hong Kong, and the University of Sheffield. She was also a member of the All Academic Panel at the 135th annual meeting of the International Trademark Association (INTA) in Dallas.

Dr Javier Lezaun published a paper entitled "The Pragmatic Sanction of Materials: Notes for an Ethnography of Legal Substance" in the *Journal of Law and Society*. The paper is an ethnographic study of the production of reference materials,



Facing page: Patent Drawing for a Flying Machine, 10/05/1869 (ARC Identifier: 594412); Patented Case Files, 1836 - 1956; Records of the Patent and Trademark Office; Record Group 241; National Archives.

This page (l-r): Lord Justice Mummery and Graeme Dinwoodie at ATRIP 2013, Christine Greenhalgh, Emily Hudson, Javier Lezaun.

CENTRE NEWS

and a reflection on the material foundations of the law. The Bioproperty Research group, of which Dr Lezaun is the Director, organized a conference in September 2012 entitled "Lives of Property", which explores the paths that scientific and technological objects travel as they acquire or lose their status property.

Astor Fund Visiting Lectureship 2013 – Professor Mark Rose

The Oxford Intellectual Property Research Centre and the Faculty of English were delighted to welcome Professor Mark Rose (University of California, Santa Barbara) as the Astor Lecturer in Trinity Term 2013. Professor Rose has had extensive involvement in copyright litigation over 30 years and is one of the world's leading historians of copyright. He is currently working on a book for Harvard University Press that focuses on six copyright cases spread over 250 years. During his visit, Professor Rose delivered the Astor Lecture comparing copyright litigation involving the letters of two celebrated writers, Alexander Pope and JD Salinger, a lecture at Merton College on *Stowe v Thomas*, and a seminar as part of the OIPRC Invited Speaker Series at St Peter's College ("Applied Literary Criticism: The Role of the Expert in Copyright Litigation"). Professor Rose also spent an afternoon discussing research projects with a number of graduate students, and participated in a workshop on using digital resources in historical research into copyright attended by scholars from Law, English, and History.

Project on Empirical Studies of Trade Mark Data

The Centre is working with several partners to support scholarship using empirical methods to study trade mark data. The first event, a workshop co-sponsored with ETH Zurich, INNOTECH, the Engelberg Centre for Innovation Law and Policy, New York University School of Law, the Office of Harmonization for the Internal Market, the US Patent & Trademark Office, and the University of East Anglia, took place at the Law Faculty, University of Oxford in December 2012. Participants included scholars from a number of countries, as well as the chief economists of each of the Office of Harmonization in the Internal Market (OHIM), the World Intellectual Property Organization, the US Patent & Trademark Office and the UK Intellectual Property Office.

Future of Design Protection

In November 2012, the Centre joined with the Center for Intellectual Property Research of the Indiana University Maurer School of Law to present an international conference on the future of design protection law. Design protection is

once again at the forefront of intellectual property debates. The ongoing litigation around the world between Apple and Samsung highlights how valuable design protection can be. In the US, the Federal Circuit reinvigorated design patent protection in *Egyptian Goddess*. In the European Union, the ECJ is now beginning to hand down decisions on the regime put in place a decade ago and administered by OHIM. The UK Government is presently conducting a consultation on reform of design law. And Japan and China have shown increased interest in the operation of design protection in a wide range of economic sectors. This conference brought together the world's most recognized scholars, practitioners, judges, industry representatives, and government officials involved in all aspects of design protection law, including scholars from the US, Europe, Japan, and China.

Professor Graeme Dinwoodie

Oxford Intellectual Property Conversazione 2013

The fifth annual Oxford IP Conversazione brought together five diverse speakers to consider the enigmatic topic "IP: Forms and Functions" before an audience of approximately 100 mooters, observers, judges, and guests. After the compères, Professor Graeme Dinwoodie of the Oxford Intellectual Property Research Centre and Dr Barbara Lauriat of King's College London, set out the background and purpose of the event and introduced the panel. Dr Dev Gangjee of the London School of Economics (see P58) gave the first informative presentation on overlapping intellectual property rights, in particular those relating to shape marks in trade mark law. John Noble of the British Brands Group followed with a compelling talk on the importance of brands in society. Dr Kirstin Kennedy, Curator of Renaissance and Baroque Silver at the Victoria and Albert Museum, offered a fascinating historical survey, reminding the audience that religious, cultural, and social influences may play a role in the appearance of even everyday objects like teapots – functionality and attractiveness are not the only factors to consider. Dr Jon Sutch of pharmaceutical manufacturing and development company Patheon provided an entertaining answer to the highly relevant question: 'Why does my tablet look like that?' Finally, Alastair Wilson QC presented a provocative case for abolishing registered design right in the UK. After the presentations, the conversations began over drinks, before guests headed to the Pembroke College Hall, where guests were randomly assigned to tables of six to formulate questions to ask the speakers between courses. Thanks to all the speakers, participants, and Pembroke College staff who made the event possible.

Dr Barbara Lauriat, King's College London



Workshop on Trade Marks in The Cube at the Law Faculty in December 2012.

Oxford Human Rights Hub Celebrates First Anniversary



© Laura Hilly

Professor Sandra Fredman, OxHRH, presenting Justice Kevin Bell, judge of the Supreme Court of Victoria.



The Oxford Law Faculty has long been the centre of a global human rights law network. In April 2012, the Oxford Human Rights Hub (OxHRH) was launched with the aim of growing and developing this network. In little over a year, OxHRH has rapidly become the focal point of human rights activities in the Faculty and has succeeded in strengthening links with human rights academics, practitioners, and policy makers around the world.

OxHRH is directed by Professor Sandra Fredman, the Rhodes Professor of the Laws of the British Commonwealth and the US, and was established with funding from the University's Higher Studies Fund. OxHRH has launched a broad range of initiatives to facilitate the exchange of ideas and resources, including a termly seminar series, an annual conference, a website, a blog, a growing social media presence, and a fortnightly newsletter.

The 2012–2013 seminar series featured leading human rights academics, judges, practitioners, UN Special Rapporteurs, and activists who spoke on topics at the intersection between human rights theory and practice. Speakers included Professors Gráinne de Búrca and Philip Alston from the NYU School of Law; Justice Kevin Bell, judge of the Supreme Court of Victoria; Professor Marie-Benedicte Dembour from the University of Sussex; Maria Grazia Giammarinaro, Special Representative and Co-ordinator for Combating Trafficking in Human Beings for the Organization for Security and Co-operation in Europe; Kris Gledhill of the University of Auckland; Dimitrina Petrova, Executive Director of the Equal Rights Trust; Professor Judy Fudge, Lansdown Chair in Law at the University of Victoria, Canada; Professor Aileen McColgan, Kings College London and Matrix Chambers; Professor Heiner Bielefeldt, UN Special Rapporteur on Freedom of Religion or Belief; Professor François Crépeau,

UN Special Rapporteur on the Human Rights of Migrants; and Professor Hugh Corder, University of Cape Town. The series closed with a seminar by Justice Kate O'Regan, former Justice of the Constitutional Court of South Africa. The seminars sparked lively debates and have fostered greater connections between academics and practitioners. OxHRH also launched a fruitful collaboration with the Migration Law Discussion Group, under the stewardship of Dr Cathryn Costello, Associate Director of OxHRH. This inter-disciplinary forum provided a valuable space for dialogue on issues of migration law and human rights.

In May 2013, OxHRH hosted the Oxford–Harvard Video Conference on Gender Equality, which brought together leading academics from Oxford and Harvard for an afternoon of discussions via video link. The video conference featured papers and responses from global leaders in equality law and was attended by a large audience of students and Faculty members.

OxHRH has broken new ground in the Law Faculty by developing a strong online presence. The OxHRH website showcases the Faculty's human rights activities and has provided a model that has been emulated by other subject groups in the Faculty. The OxHRH Blog was launched in July 2012 with the aim of providing accessible updates and opinions on human rights law around the world. It has been a stunning success, featuring over 200 posts from around the world and gaining a total readership of 85,000 since its launch. OxHRH has a wide audience on Twitter, Facebook, and LinkedIn, and its email newsletter has kept participants informed of OxHRH activities and events.

OxHRH continues to grow and expand its network of international participants. Human rights academics, lawyers, and policy makers around the world are warmly encouraged to participate, either in person or online.



The Year in Figures

Since its launch in April 2012, OxHRH has:

hosted **17** seminars, featuring **19** global leaders in human rights law, and **two** conferences, drawing delegates and speakers from around the world; received over **85,000** visitors to the OxHRH Blog, gained over **1,500** followers on Twitter, **251** members of the OxHRH Facebook group, and **80** LinkedIn group members; recorded **455** subscribers to the newsletter, from more than **25** countries.

How to Participate

Participation in the Oxford Human Rights Hub is open to academics, practitioners, and policy makers from across the globe who are working to advance the understanding and protection of human rights. There are four ways to participate in the OxHRH network:

- **Newsletter:** Subscribe to the OxHRH mailing list to receive the fortnightly newsletter and updates on OxHRH events and activities.
- **OxHRH Blog:** Contribute posts and comments to the OxHRH Blog.
- **Social media:** Follow OxHRH on Twitter, 'like' the OxHRH Facebook page, and join the OxHRH LinkedIn group.
- **Events:** Attend OxHRH's seminars and conferences, or follow the seminars and conferences online through the blog or podcasts, available on iTunes U.

For further information, visit the Oxford Human Rights Hub website at www.law.ox.ac.uk/themes/humanrightshub or email the team at oxfordhumanrightshub@law.ox.ac.uk.

OxHRH Blog

The OxHRH Blog celebrated its first anniversary in July 2013. The blog has rapidly become a leading source of human rights news and opinions, featuring over 200 blog posts in its first year and now reaching an average of over 10,000 unique visitors each month;

The blog is truly global in nature and continues to be a space to share and discuss recent developments in human rights law, policy and practice across the globe. Contributors work on human rights problems on almost every continent and cover human rights developments on a wide range of issues. The blog has featured posts on racial discrimination in Burma, marriage equality in New Zealand, anti-terrorism measures in Australia, rape laws in India, the right to food in Bangladesh, and access to justice in the United Kingdom, to name just a few of the themes covered in the last 12 months.

The blog is available at: <http://ohrh.law.ox.ac.uk/>. For more information on contributing to the blog please email the editorial team at oxfordhumanrightshub@law.ox.ac.uk.

Participants at an OxHRH Seminar in Michaelmas 2012; a recent blog front page.



Oxford Pro Bono Publico Wins National Award

Oxford Pro Bono Publico (OPBP) won the 'Best Contribution by a Team of Students' award at the 2013 LawWorks & Attorney General Awards in March. The annual awards recognise and celebrate pro bono contributions made by students and law faculties in the UK.

OPBP is a group of law graduate students and Faculty members committed to pro bono legal work. OPBP provides research briefs and opinions to lawyers working pro bono, as well as producing independent submissions and reports on important human rights issues. In addition, OPBP operates an internship grant scheme to support students in undertaking unpaid or poorly paid public interest work.

OPBP received the LawWorks & Attorney General Award in recognition of its work from September 2011 to January 2013. During this period, student volunteers and Faculty members produced 12 pro bono research projects, including research on class action litigation in South Africa, inheritance rights in Botswana, secret evidence in the UK, and the death penalty. OPBP also funded eight graduate students to undertake public interest law internships around the world. In endorsing OPBP's nomination for the award, Professor Sandra Fredman described this as the 'most productive time in OPBP's 13 years of existence', made possible by the students' hard work and commitment.

Representatives of the OPBP student committee accepted the award from the Attorney General, Dominic Grieve QC MP, and LawWorks Chairperson, Paul Newdick CBE, at a ceremony hosted in the House of Commons. The judging panel included Tom Laidlaw (LexisNexis, Head of Academic Development), Isla Grant (Editor, lawcareers.net), Nick Fluck (Vice-President, The Law Society), and Robin Porter (retired Senior Lecturer and former City lawyer).

OPBP Chairperson, Chris McConnachie, described the award as a 'great honour that will provide a major boost to OPBP's work in years to come'. For more information about OPBP and its work please visit www.law.ox.ac.uk/opbp

OPBP members receive the award from Attorney General Dominic Grieve; (l-r): Dhvani Mehta (OPBP Chairperson 2011–2012), Chris McConnachie (OPBP Chairperson 2012–2013), Laura Hilly (OPBP Chairperson 2010–2011), Rt Hon Dominic Grieve QC MP, Chintan Chandrachud (Executive Committee Member 2012–2013).

Human Rights for Future Generations Project

Human Rights for Future Generations (HRFG) is an interdisciplinary research programme that aims to contribute to academic and policy thinking on the human rights dimensions of poverty, armed conflict, and environmental change. Drawing on the disciplines of law, philosophy, and international relations, the programme investigates the existing normative, legal and institutional human rights framework to face these challenges. This project aims to advance a new framework built on ethical, legal, and political dimensions that will help translate theory into real legal and policy solutions on these issues.

HRFG also host regular events, including a guest speaker series, where prominent academics, practitioners, and commentators are invited to deliver guest lectures that engage human rights topics using lenses that are innovative and stimulating. Past guest lecturers have included Philip Alston, Harold Koh, Joseph Raz, and Helen Clark.

Recent research highlights include 'The Arms Trade Treaty Project', a project on the first ever global agreement governing the conventional arms trade, which was adopted at the United Nations in April 2013 by an overwhelming margin. Dr Gilles Giacca, who participated actively in the negotiations, has initiated the drafting of a detailed legal commentary, which will be published by OUP in 2014.

HRFG is also working on 'Human Rights and Budgeting'. Dr Jaakko Kuosmanen investigates rights-based budgeting analysis with an aim to clarify the link between human rights and states' failure to comply with their human rights obligations. Traditionally human rights have had a marginal role in state budgeting. We consider this to be an important deficiency that needs urgent addressing. Dr Dominic Roser's research focuses on climate change. He is particularly interested in how the goal of honouring the human rights of future generations should take account of the tremendous uncertainty associated with climate change. Also, he is interested in examining the trade-offs involved when political feasibility constraints prevent us from achieving fully just outcomes.

The directors of the programme are Professor Sandra Fredman, Professor Simon Caney, and Dapo Akande. More can be read about the work of HRFG, including news and events, at www.humanrights.ox.ac.uk.

The new project's website.



Public International Law



Events

International Lawyers Gather in Oxford for Major Conference

On 12 and 13 April, more than 160 international lawyers gathered in Oxford for the Annual Conference of the International Law Association (British branch). The theme of the conference was “The Changing Nature of Global Governance: International Institutions in the International Legal Order”. The conference, organized by **Dapo Akande** and **Antonios Tzanakopoulos**, with assistance from the Oxford Public International Law team, featured 12 different panels with speakers from all around the world addressing a wide range of topics in international law. Speakers included leading academics, legal counsel from international institutions, practitioners from private practice, and research students. The keynote lecture, which also served as the inaugural Oxford Global Justice Lecture, was delivered by Patricia O’Brien, United Nations Under-Secretary General for Legal Affairs and UN Legal Counsel.

Papers examined the role of international institutions in making, developing, interpreting, applying, and enforcing international law. Speakers addressed a wide variety of international institutions. The discussion was not restricted to traditional intergovernmental organizations but there was detailed consideration of an expanded range of formal and informal institutions of global governance, including international judicial and quasi-judicial organs, and hybrid organizations composed of public and private parties.

Lecture by Helen Clark, Administrator of the United Nations Development Programme and former Prime Minister of New Zealand

In February 2013 the Oxford Martin Programme on Human Rights for Future Generations, in association with the Oxford Institute for Ethics, Law and Armed Conflict (ELAC), welcomed Helen Clark to Merton College for a seminar on the topic of “Development and Conflict”.

If you missed the seminar you can watch a webcast on the Oxford Martin School’s website (www.oxfordmartin.ox.ac.uk/videos/view/228). Helen was introduced by **Professor Sandra Fredman**, Co-Director, Oxford Martin Programme on Human Rights for Future Generations.

Helen became the Administrator of the United Nations Development Programme (UNDP) in April 2009, and is the first woman to lead the organization. She is also the Chair

of the United Nations Development Group, a committee consisting of the heads of all UN funds, programmes, and departments working on development issues. Prior to her appointment with UNDP, Helen served for nine years as Prime Minister of New Zealand, serving three successive terms from 1999 to 2008.

Lecture by His Excellency Judge Kenneth Keith of the International Court of Justice

The Law Faculty was delighted to welcome His Excellency Judge Kenneth Keith of the International Court of Justice (ICJ) to Oxford on 1 March 2013. At a special session of the Public International Law Discussion Group, Judge Keith spoke on “Judging at Home and Abroad”. In his lecture Judge Keith, who sat on a dozen different national and international tribunals during his distinguished career, compared his judicial experience at the ICJ and various national courts. He analysed the processes by which judges and counsel are chosen, the different procedural arrangements and rules, and the typical subject matter of disputes – stressing in particular the mutual influences between the various courts in developing the law. Judge Keith finally engaged in a lively discussion with the audience.

Judge Keith has been a judge of the ICJ since 2006. Born in New Zealand, Judge Keith was previously, inter alia, a judge of the New Zealand Court of Appeal and the Supreme Court of New Zealand. Prior to becoming a judge, he worked for the New Zealand Department of External Affairs, the United Nations Office of Legal Affairs, the Victoria University of Wellington and the New Zealand Law Commission.

The Oliver Smithies Lecture Series

This year’s Oliver Smithies Lectures, held on 14 and 16 May 2013, were given by Harold Hongju Koh, Sterling Professor of International Law at Yale Law School and formerly Legal Adviser to the US Department of State. Professor Koh spoke on “International Law as Smart Power”.

The Oliver Smithies Lectures are funded by Professor Oliver Smithies (1943) as a way of giving generations of undergraduates and postgraduates at Balliol College the opportunity to hear and meet outstanding academics from the US and other countries working in a variety of fields.



Photos - facing page, clockwise from top left
 (l-r): Dapo Akande, Jeremy Carver (President of the ILA British branch), Professor Alan Boyle of the University of Edinburgh, Professor Dan Sarooshi; Professor Theodore Christakis of the University of Grenoble; Professor Guy Goodwin-Gill; Edward Kwakwa (Legal Adviser of the World Intellectual Property Organization);
 (l-r): Dr Lisa Clarke, Professor Eliza Ruozi, Dr Christoph Good, Mr Antoine Schnegg, Dr Martins Paporinskis.

This page, clockwise from left
 Helen Clark;
 (l-r): Catherine Redgwell, Patricia O'Brien; Professor Payam Akhavan;
 (l-r): Professor Charles Jalloh and Don Ferencz; His Excellency Judge Kenneth Keith with Jessica Howley.

Patricia O'Brien delivers Inaugural Oxford Global Justice Lecture

On 12 April Patricia O'Brien, the United Nations Under-Secretary General for Legal Affairs and UN Legal Counsel, delivered the first Oxford Global Justice Lecture. The lecture entitled "International Criminal Justice: Where Do We Stand Today?" was also the keynote lecture for the 2013 Annual Conference of the International Law Association (British branch), which was held in Oxford on 12 and 13 April.

The Oxford Global Justice Lecture was recently established by the Oxford Law Faculty as an annual lecture to be delivered each year by a leading figure in international law. The lecture series is generously supported by the Planethood Foundation.

In her lecture, Patricia O'Brien addressed three main themes. First, she identified the principal challenges faced by international criminal justice today. Secondly, she analysed some of the theoretical bases for international criminal justice. Thirdly, she looked at the principal effects of developments in international criminal law over the past two decades. She remarked that 'One of the most important developments ... has been the gradual "domestication" of the norms of international criminal law.' In her view, 'We must therefore recognise accountability as the core of international criminal justice ... Justice, peace and democracy are not mutually exclusive objectives, but rather mutually reinforcing imperatives. Accountability is an integral element in promoting and ensuring the rule of law at the domestic and at the international levels.'

After Ms O'Brien's lecture there was a memorable panel discussion, with Professor Payam Akhavan (McGill Law School), Professor Charles Jalloh (University of Pittsburgh), and Don Ferencz of the Planethood Foundation providing comments on and reactions to the lecture.

The full text of Ms O'Brien's lecture can be found at www.law.ox.ac.uk/newsitem=590.

Texas, International Law, and Economic Disputes

Dan Sarooshi, Professor of Public International Law at Oxford Law, delivered at the end of 2012 the Inaugural Distinguished Lecture at the invitation of the Center for Global Energy, International Arbitration, and Environmental Law at the University of Texas School of Law in Austin. This was the first of the newly established Distinguished Lecture Series at the Texas Law School Center. The Inaugural Lecture, entitled "What Role for Systemic Values in the Resolution of International Economic Disputes: Investment Treaty Arbitration and the World Trade Organization", will be published by the University of Texas.

News

Volterra Fietta Scholarship in Public International Law

The Law Faculty is delighted to announce the creation of the Volterra Fietta Scholarship in Public International Law, named for the firm of Public International lawyers that has provided the funding.

Maureen O'Neill, Director of Development at the Law Faculty, explains: 'This is the first independently funded scholarship specifically for the DPhil at the Law Faculty and we are extremely grateful for the kind generosity of Volterra Fietta in creating this scholarship.'

The scholarship will support a doctoral candidate at Oxford whose thesis is in the field of public international law. The first recipient of the scholarship is **Michail Risvas**. Michail is a DPhil student working under the supervision of **Dan Sarooshi**, Professor of Public International Law at Oxford.

Professor Sarooshi states that: 'Michail has completed the MPhil and prior to that was awarded the MJur with distinction. His DPhil examines "Non-Discrimination in the World Trade Organization and International Investment Law".'

Funded Internship at the International Court of Justice 2013–2014

The Oxford Law Faculty is one of a group of leading law faculties around the world invited by the International Court of Justice (ICJ) to participate in the ICJ's 'traineeship' programme. The traineeship programme is similar to a judicial clerkship or judicial assistantship, and provides an opportunity for an Oxford student or recent graduate to work for nearly a year at the leading international tribunal in the world. As the result of a donation, and funds raised by members of the Oxford Public International Law subject group, the Oxford Law Faculty is able to fund this year's successful candidate **Jessica Howley** for the duration of the traineeship.

Applications were invited from current graduate students or recent graduates for the 2013–2014 traineeship programme, and the ICJ made the final decision on the selection for the internship. The person selected works closely with the members of the ICJ on tasks such as drafting opinions, orders and other court documents, preparing case files, and researching a variety of legal issues.



Oxford Global Justice Internship Programme

The Oxford Global Justice Internship Programme is a new programme initiated by the Public International Law Group within the Oxford Law Faculty. The aim of the programme is to provide financial assistance to Oxford law graduates seeking valuable work experience in international law. The programme will provide support to graduate students within the Faculty and recent Oxford law graduates who wish to undertake internships at international courts or tribunals, international organizations, or public interest organizations that work on issues of public international law.

This internship programme is supported by the Planethood Foundation. A significant part of the funds received from the Foundation will be used to fund work that promotes the aims of international criminal justice and transitional justice. However, applications will be welcomed from candidates interested in working in other areas of international law.

The Oxford Global Justice Internship Programme will provide students with an opportunity to apply their knowledge of international law in practical ways. Students will be given the opportunity to develop their interest in international law and will obtain a valuable platform for further work in the area.

New Website

The Oxford Law Faculty has been a major centre for the study of international law for over 400 years. Please visit our newly launched website (www.law.ox.ac.uk/pil/) to find out about our distinguished group of international law scholars who research and teach across a diverse range of public international law areas and for information about forthcoming conferences, courses, and events as well as information about the Faculty's international law related centres.

Philip C Jessup International Law Moot Competition

The University of Oxford team defeated the University of Cambridge in the UK rounds of the 54th Philip C Jessup International Law Moot Court Competition Grand Final and went on to participate in the international rounds held in Washington DC in the Spring. The team came second out of 126 participating teams following the preliminary moots before being eliminated by five points to four points in the first knock-out round. For a full report please see page 52.

Oxford Students Visit The Hague

A group of BCL/MJur students from the University of Oxford and LLM students from the University of Glasgow visited The Hague between 16 and 18 April 2013 in a trip organized by the conveners of the International Dispute Settlement courses at the two universities (Antonios Tzanakopoulos and Christian Tams, respectively).

On the first day, the students visited the Permanent Court of Arbitration (PCA). Legal counsel Dirk Pulkowski spoke with the students at length about the history and role of the PCA, its structure and operation, and its current case-load. After an informal tour of the Peace Palace, the students went on to the second part of the visit: this was centred on the *Cambodia v Thailand* case currently being argued before the International Court of Justice (ICJ), also housed in the Peace Palace. The students met with senior counsel for Cambodia, Sir Franklin Berman QC, a member of the Oxford Law Faculty. Sir Frank put the Cambodian argument to the students, who asked questions about the case and about practice at the international bar.

On the second day, the group continued in ICJ mode: the students attended the hearings in the *Cambodia v Thailand* case, on the first day of argument by the respondent (Thailand). They heard argument by Professor James Crawford, SC, Professor Alain Pellet, Professor Donald McRae, and Alina Miron. During the lunch break, Professor Pellet met with the students in the Peace Palace gardens. He put to them the Thai argument, and gave them a flavour of his closing argument, which the students listened to in the afternoon. He took questions about practice at the ICJ and about the role of counsel. In parallel with the hearings, the students visited The Hague Academy of International Law, housed in the Peace Palace together with the PCA and ICJ, as well as the famous Peace Palace Library. After the hearing, the students were invited to meet Judge Kenneth Keith in the historical reading room in the Peace Palace. Judge Keith spoke to the students about the life and work of a judge at the ICJ and answered many questions in a session that went on for more than an hour.

On the third day of the trip, the Oxford-Glasgow group visited the Special Tribunal for Lebanon (STL), where they were met by press officers at the rather young and certainly unusual court. The students had a tour of the courtroom, a converted gym in a building that used to house Dutch intelligence services. They learned about the STL and its unique mandate, and met with officials working in Chambers and in the Office of the Prosecutor. The visit ended with a full discussion on the merits and demerits of ad hoc 'hybrid' or 'internationalized' criminal courts.

Oxford Hosts Speeches by US Government Officials on Aspects of International Law



(l-r): Harold Koh, Jeh Johnson, John Bellinger

Koh image © U.S. Mission to the United Nations in Geneva / Eric Bridiers

Over the course of this academic year, Oxford has been host to a number of high profile speeches by current and past senior members of the US government. Each of these speeches has addressed important aspects of US interpretation and application of international law with regard to specific aspects of its foreign policy, including its ongoing conflict with Al-Qaeda. The speeches were given by Jeh Johnson, at the time General Counsel to the US Department of Defense, Professor Harold Koh, Legal Advisor to the US State Department during President Obama's first term, and John Bellinger, State Department Legal Advisor during President George W Bush's second term. These speeches place Oxford at the centre of US attempts to explain and justify some of its most controversial policies of the last decade.

In November of last year, Jeh Johnson gave a speech before the Oxford Union entitled "The Conflict Against Al-Qaeda and its Affiliates: How Will It End?" Mr Johnson confirmed the by now well-known US position that its military efforts against Al-Qaeda constitute an armed conflict to which the international laws of armed conflict apply, allowing, for example, the continued detention of members of Al-Qaeda. He then went on to address the difficult question of when this 'armed conflict' will end, offering his view that there will be a 'tipping point' where the group itself has effectively been destroyed, leaving only scattered individuals. At this point, Mr Johnson argued, the 'armed conflict' will have ended and international laws designed for such situations will no longer be applicable.

Professor Harold Koh similarly addressed the question of "How to End the Forever War?" in a speech before the

Oxford Union in May of this year. In this broad discussion, Professor Koh put forward his view of the most important pillars of a successful conclusion of the US conflict with Al-Qaeda. In particular, he pointed to the need to disengage from Afghanistan, close the detention facility at Guantanamo Bay, and introduce greater transparency into the Obama administration's controversial use of drones for the carrying out of targeted killings of suspected terrorists. In addition, in the same month, Professor Koh also delivered the two Oliver Smithies lectures in the Law Faculty in Oxford on the subject of "International Law as Smart Power".

Finally, also in May, John Bellinger spoke before an audience at All Souls College on the topic of "The United States and International Law: Drones and Other Challenges for the Obama Administration's Second Term". Mr Bellinger compared some of the challenges faced by President George W Bush and President Obama. The talk explored a number of topical issues regarding the US approach to international law, including its relationship with the International Criminal Court and its practice in countering terrorism.

These issues will no doubt remain topical in the coming years and reflect broader questions relating to the role of international law in addressing global challenges. Oxford will continue to be a natural place in which to discuss these arguments given its long history of scholarship in public international law coupled with engagement with practical issues raising questions of international law.

Lawrence Hill-Cawthorne

Oxford Institute for Ethics, Law and Armed Conflict

The Oxford Institute for Ethics, Law and Armed Conflict (ELAC) is a leading global centre for the interdisciplinary study of the ethics, law, and politics of armed conflict, hosted by the Department of Politics and International Relations.

October saw the commencement of a new ELAC project examining the responsibility to protect (R2P), 'The Prevention Toolbox: Systematizing Policy Tools for the Prevention of Mass Atrocities', as well as new research into 'China and Nuclear Responsibility in the Global Nuclear Order'. ELAC's research into new weapons technologies, 'Military Enhancement: Design for Responsibility and Combat Systems' (with TU Delft) has also attracted attention, especially given increasing public interest and concern regarding unmanned aerial vehicles (drones). ELAC's continuing work on humanitarian ethics aims to improve ethically accountable decision-making across the humanitarian sector, and was complemented

by a series of regular discussions hosted by the Oxford Humanitarian Group.

ELAC has also hosted a number of other fascinating events, with speakers including Helen Clark (Administrator of the UNDP and former Prime Minister of New Zealand), Yves Daccord (Director General, ICRC), and Martin Griffiths (former Deputy Head, UN Supervisory Mission in Syria), and discussions on key issues such as torture, just war, R2P, and governance of nuclear weapons. Papers from the third ELAC Annual Workshop "Law and Ethics in War" were published as a special symposium issue in the *Leiden Journal of International Law* in June 2013.

Further information on the work of ELAC, including news, events, and audio podcasts is available at: www.elac.ox.ac.uk.

Lucy Crittenden

Bumper Year in the Law Bod...

We are pleased to report again to our *Law News* readers on our busy year, and to share with you some of the innovations, changes, and improvements we have seen in the last 12 months in the Bodleian Law Library.

Visit our New Website

The changes to our **website** have brought about a new look, easier navigation, and a streamlined approach, which we hope will be pleasing to all, and provide a better experience for all users. Changes in layout, fonts, menus, and images are made in response to extensive user-testing. If you have a chance to look at www.bodleian.ox.ac.uk/law you may wish to provide us with your feedback!

Our **blogs** are becoming more popular, and one of the highlights this year was our '12 (legal) Days of Christmas', which culminated in a blog '12 Lords a Leaping'. Over 3,500 people followed the daily blog posts to see how we managed to link the old favourite verses to relevant legal themes (lawbod.wordpress.com/2012/12/18/12-lords-a-leaping).

And of course we, like many others, use Twitter to share news and views, and are happy to have over 1,200 followers of @thelawbod.

LibGuides

Often, finding what you need for some law themes can be daunting, and one way to take a shortcut is to use one of the **LibGuides** written by staff in the LawLibrary (<http://libguides.bodleian.ox.ac.uk/lawindex>). There are over 40 guides to countries, legal topics, and legal research. Not only do these free resources list the holdings of our library, they have links to many resources online including free legal sites. These are hidden gems of knowledge that can steer you to some great resources.

Our Collections

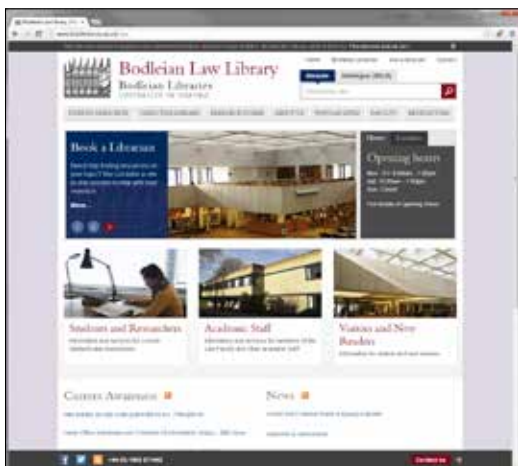
We were very pleased to complete the **reclassification** of our UK and Ireland collections, and to rearrange the books into the new sequence last September. We are gradually working our way through the monographs for all jurisdictions, to ensure the arrangement of the books reflects changes in the law and can accommodate these. Our previous arrangement was not flexible enough to support new legal topics; the users have told us they enjoy the opportunity to easily browse their areas of interest.

A great benefit to the physical organization of the Law Library came about when the **Official Papers** collection and staff moved here several years ago. We have been able to integrate our collections as a result, and reduce some of the duplication that existed when we were on two sites.

Working with Our Students

Our **Law Library Link** programme was this year extended from first years to our research students, providing a named contact to work with researchers. This was an extension of the courses we offer all the students. The courses vary from classes on topics such as Legal History resources, EU Competition Law and a dozen other themes, to drop-in clinics each week, to help with database and related IT issues. The first year Legal Research and Mooting Skills Programme continues to evolve and develop, and it ensures all our undergraduates have a chance to participate in a moot in their first year.

The Law Library provides a comfortable and welcoming environment for those wanting to study and research. A **survey** conducted during the year showed that most students found this to be the case, and they also rated the staff extremely highly. Shortcomings for some, especially taught postgraduates, were the opening hours and inability to borrow books, but the majority of respondents still favour a non-lending collection.



(l-r): The new website, the blog pages, Mr Kazimierz Michalski.

Other News

We participated in our first **Open Doors** event, organized by the Oxford Preservation Trust, which allows the public to visit buildings of architectural interest that are normally not open. We were surprised at the popularity of our library, with our tours oversubscribed, and plan to make the event a regular part of our annual calendar.

Our readers have been very patient with the **refurbishing** work that has gone on for the past six or so years in the Law Library. We were very pleased to see the improved lighting project finally draw to a close, and replacement of the roof over the last two summers resulted in a noisier library than we would have wanted. But the new lighting system makes a great difference and improvement to the library, though we have to occasionally remember to wave our arms as we walk down the darkened aisles, to ensure the light sensors realize we are there!

Benefactors

We could not provide the marvellous breadth of resources to our students and Faculty without the ongoing support of our key sponsors. I will again take this opportunity to thank Freshfields Bruckhaus Deringer, Baker & McKenzie, Hogan Lovells, Slaughter and May, and Weil Gotschal Manges for their commitment to the Bodleian Law Library and its collections.

Ruth Bird

Keep an eye out for Notable Works, a Law Library/Faculty of law shared project highlighting some of the key books that have influenced Oxford academics. The website and booklet will be available later in 2013.

Former Law Librarian leaves a legacy

Oxford's first foreign law librarian, the late Mr Kazimierz Michalski, left his former place of work a legacy of £8,862. He was a Polish war hero who survived some of the most turbulent events in Polish history and a sentence in a Siberian gulag. He was the son of a Polish wholesale merchant and was nominated to become a junior judge in 1939, but his legal career was cut short by the war. When Poland was invaded under the Nazi-Soviet pact his family found itself on different occupying sides. Stalin's secret police deported him to a Gulag in Siberia for being a bourgeois enemy of the people. He served in the Italian Campaign, fighting at the Battle of Monte Cassino and liberating Ancona and Bologna. After the war he moved with his family to London and then Oxford. In Oxford he went on to become the manager of foreign books at Blackwell's, and then the first foreign law librarian at the Bodleian. He always maintained a connection with the Polish town of Sieniawa – founding libraries and educational charities there. The whole town of Sieniawa honoured him as his flag-draped coffin passed by with hundreds of schoolchildren, officials, the mayor, and an orchestra. In a letter left to the Law Library he writes: 'No man is born solely for himself, but altruism should be his natural response. My time at the Bodleian Law Library has given me happiness, a sense of fulfilment and intellectual stimulation: Thank you for all of these gifts. In my long life I have seen and experienced a lot of inhumanity and evil, especially during the war, but even more, I have experienced human goodness and God's blessing for which I am always grateful.' He exchanged Christmas cards with the Law Library each year. Mr Michalski died at the age of 104 while on a visit to his home town of Sieniawa in April. He had in 2004 celebrated 70 years of marriage to Joanna, who predeceased him, and is survived by his son Andre. His legacy will be used by the Law Library to purchase books in the Foreign Law section in which Mr Michalski worked.

To learn more about leaving a legacy to Oxford Law, please contact Maureen O'Neill (maureen.oneill@law.ox.ac.uk).



Clockwise from left: Magdalen College dinner at the House of Commons; Wadham scholars Rachel Clement, Victoria Stephens and Gabrielle Dumas-Aubin; Adrian Briggs.

Magdalen dinner photo © Jaani Riordan.

Magdalen College

Magdalen College has been celebrating the successful completion of its fundraising appeal to raise £2 million to endow a fourth Law Fellowship at the College.

Magdalen College has long had a reputation for a large and successful law school, and the addition of a fourth Fellowship in the subject ensures the college can continue to deliver a breadth of teaching while complementing existing areas of expertise.

The £2 million was raised from alumni and the completion of the appeal was celebrated at a dinner attended by over 160 Magdalen lawyers at the House of Commons on 18 July 2013, hosted by the Attorney General, the Rt Hon Dominic Grieve QC (Magdalen 1975).

Exeter College

Congratulations to the Hon Otto Lang (1953, Law), who will receive an Honorary Doctor of Laws degree from the University of Saskatchewan at Spring Convocation on 5 June. Otto Lang served as Dean of Law at the University of Saskatchewan from 1961 to 1969, the youngest person to hold the position. In 1968 he was elected to the Canadian House of Commons and served until 1979.

St Edmund Hall

Adrian Briggs, Professor of Private International Law and Fellow and Tutor in Law at St Edmund Hall, was the first holder of the Jones Day Visiting Professorship of Commercial Law at Singapore Management University (SMU).

SMU School of Law admitted its first cohort of 116 students in August 2007. Its faculty includes several Oxford graduates, including the current and former Deans. This new post is to be held on a yearly basis by a series of commercial lawyers, over the coming seven years. During his year's tenure, which concluded at the end of July, Professor Briggs delivered a well-received lecture entitled "Rubin and New Cap: Foreign Judgments and Insolvency" to an audience of judges, practitioners, and academic lawyers.

Wadham College

The Hackney Scholarship has been awarded to Rachel Clement of Wadham College (finalist 2012).

The Peter Carter QC scholarship has been awarded to Victoria Stephens (Wadham College FHS 2010), and the Donner scholarship to Gabrielle Dumas-Aubin of McGill University, Canada.

And thank you to Mansfield College...

Who decided that it would not send out Christmas cards this year but instead made a £100 donation to our law clinic programme, Oxford Legal Assistance.



RESEARCH AND GRANTS

Mary Bosworth

European Research Council Award

Subjectivity, Identity and Penal Power: Incarceration in a Global Age

Dr Mary Bosworth, Reader in Criminology, has been awarded €1.2 million to conduct a five-year project on 'Subjectivity, Identity and Penal Power: Incarceration in a Global Age'. The project began in October 2012 and employs two full-time postdoctoral researchers, Dr Inês Hasselberg and Dr Sarah Turnbull, as well as covering most of Mary's time to allow her to focus on her research activities. This is the first ERC award to a member of the Law Faculty at Oxford. The funding is provided by the European Research Council within the European Commission's Seventh Framework Programme for Research and Innovation.

Mary has been at the Law Faculty since 2005, initially at the Centre for Socio-Legal Studies and then at the Centre for Criminology. In March 2011, she was appointed to a concurrent position as Professor of Criminology at Monash University in Australia. She works at the forefront of the emerging criminological field of work concerned with migration and border control, particularly in relation to immigration detention. Mary is part of an international group of scholars developing this field of research, in 2012, co-founding the Routledge Studies in Criminal Justice, Borders and Citizenship. At Oxford she offers BCL and MSc seminars in this area and supervises a number of doctoral students in it as well.

This project has two primary, interrelated, goals: to develop new methodological and intellectual tools in understanding the global and transnational reach of penal power and to revitalize the literature on subjectivity

and identity in criminology. It is guided by three research questions: (1) what is the relationship between penal power and national identity? (2) How is that relationship gendered? (3) What do the experiences and views of those subject to penal power tell us about (the limits and nature of) state power in a global age? Each member of the team concentrates on a different research site. Inês is studying foreign national prisoners, while Sarah is looking at experiences of immigration detention and deportation, and Mary is working on penal theory.

The research team will gather a variety of empirical evidence from archival material, interview transcripts, law, policy, life histories, video diaries, still photographs, field notes, and observation. In recognition of the lifestyles of the relatively young population involved, they are exploring the potential of new technologies, incorporating visual methodologies, social networking sites, and web-based interactions. Such material will, in due course, be made available through the website that the research team has set up: www.bordercriminologies.law.ox.ac.uk.

The EC is now the University's fourth largest funder in terms of income received, and Oxford receives more income from the Commission than any other UK university. The Ideas Programme's European Research Council awards operate on a 'bottom-up' basis across almost all research fields, and applications are assessed on the excellence of the principal investigator (PI) and the excellence of the proposed research project.



RESEARCH AND GRANTS

Projects coming to an end...



Andrew Ashworth and Lucia Zedner

Arts and Humanities Research Council

Preventive Justice

"Implementing Preventive Justice" – the sixth and final seminar of the Preventive Justice project led by Professor Andrew Ashworth and Professor Lucia Zedner and funded by the Arts and Humanities Research Council – took place at the British Academy in London in June. The first five seminars of this project involved academics. This, the sixth seminar, stepped outside academia to engage with policy makers and practitioners.

The Preventive Justice project asks what justifies the coercive measures that states now take in the name of prevention and public protection. It explores whether there has been a shift from the historic orientation of the criminal justice system around reactive policing and post hoc punishment toward a preventive rationale that seeks to avert harms before they occur. Its main objective is to develop a set of principles and values that should guide the state's use of preventive techniques that involve coercion of the individual.

The aim of the "Implementing Preventive Justice" seminar was to generate debate about the practical and policy aspects of preventive endeavour by engaging with those charged with policy development and decision-making. Its primary purpose was to learn about the ways in which the theoretical issues addressed by the project arise in policy and practice in the real world. Key

issues for discussion included: which challenges posed by the pursuit of prevention most concern practitioners; whether present laws and measures are effective; whether they are considered legitimate; and what changes are needed. For Ashworth and Zedner, another important benefit of the seminar was the opportunity to test their ideas on leading figures in the field. The seminar was attended by specially invited government officials, senior police officers, lawyers, and representatives of leading NGOs. Central topics for discussion included the expansion of preventive criminal offences, coercive aspects of preventive law enforcement, and the dilemmas of preventive detention. Debate also ranged beyond these areas to address the issues raised by preventive endeavour in respect of public order policing, counter-terrorism and security, immigration, and mental health. Everyone agreed that the day was a rare opportunity for frank, critical discussion of the challenges entailed by crime prevention, particularly at a time when the demands of public protection are so high on the political agenda.

A volume of essays, *Prevention and the Limits of the Criminal Law*, appeared earlier this year (edited by Ashworth, Zedner & Tomlin). A monograph by Ashworth and Zedner, *Preventive Justice*, will be published by Oxford University Press early in 2014.

Stefan Vogenauer

Arts and Humanities Research Council and the Deutsche Forschungsgemeinschaft

European Contract Law

Professor Stefan Vogenauer's three-year project on European contract law has concluded successfully. The project was funded by the Arts and Humanities Council and the Deutsche Forschungsgemeinschaft and involved some 40 scholars from the UK and Germany and was organized in collaboration with Professor Gerhard Dannemann from the Berlin Humboldt University. It analysed the interaction of a (potential) optional European instrument establishing a uniform legal framework for cross-border contracts with the laws, particularly the contract laws of England and Germany.

The results of the project were published by OUP in early 2013: G Dannemann and S Vogenauer (eds), *The Common European Sales Law in Context: Interactions with English and German Law*. The book has over 20 chapters, each of them co-authored by an English and a German contributor, on various issues of contract law, ranging from formation to remedies.

Rachel Condry

ESRC

Investigating Adolescent Violence towards Parents

Dr Rachel Condry's three-year ESRC-funded project 'Investigating Adolescent Violence towards Parents' finished in September 2013. Dr Condry has been working with Dr Caroline Miles conducting fieldwork with police and youth justice services, interviewing parents and young people, and producing the first analysis of police-recorded cases of adolescent to parent violence in the UK. The findings of the study are being published in several journal articles and will be developed into a monograph. Dr Condry and Dr Miles have given 18 invited seminars and conference papers on the topic of adolescent violence towards parents. They held a one-day conference at St Hilda's college on 23 September to mark the end of the project and discussed how the findings might be taken forward with policy makers and practitioners. More information about the study can be found at www.crim.ox.ac.uk/apv.

New Projects...



Liora Lazarus

British Academy Mid-Career Fellowship

Juridifying Security

Dr Liora Lazarus began her British Academy Mid-Career Fellowship in October 2012. The project, 'Juridifying Security', seeks to explore the complex and contradictory conditions in which law and security interact. It examines how the notion of security is defined and expressed in law, how security shapes and is shaped by law, and the implications of the fact that the pursuit of security so often sits at odds with legality and the rule of law. Moreover, it exposes how law can act both as a legitimisation and as a prohibition on the pursuit of security, while simultaneously being both legitimated and undermined by this pursuit. Drawing on a range of disciplines and practitioner perspectives, this project explores the relationship between law and security in four ways: law as security; law as mediator between security and other social goods; law as a demand for security; and securitized law.

Since October 2012 Liora has visited the US, Israel, and Australia. She has conducted interviews with senior decision-makers in the security field, and is also planning on completing a range of interviews in the UK and the EU. She plans to complete her monograph *Juridifying Security* in September 2014.



David Erdos

Leverhulme Trust Early Career Fellowship

Data Protection and the Open Society

David has been using his Leverhulme Trust Fellowship to develop his project on Data Protection and the Open Society, examining the tension between data protection laws and practices and the right to freedom of expression. This tension has been growing massively as the use of computers for expressive purposes involves increasing potential for invasion of privacy.



Rogier Creemers

Rubicon Research Fellowship, Netherlands Organization for Scientific Research (NWO)

Whither Internet Law in China?

When the Internet in China is mentioned, concepts such as censorship and authoritarianism often follow in the same breath. It certainly is the case that the Chinese leadership has implemented strict controls over particular areas of Internet communication. Nonetheless, as in other countries, China's Internet sphere is more than just a political arena. It has become a space for social and commercial interaction, cultural exchange, and artistic creation. For the first time in history, individual Chinese citizens have gained access to tools of mass communication, and use them enthusiastically. It is, however, inevitable, that conflicts and tensions will arise in this emerging sphere. These conflicts may be located in the private sphere, where incidences of privacy infringement and defamation will become more prominent. They may also be located in the commercial area, as China's Internet enterprises develop and competition

intensifies. Lastly, there are huge bureaucratic interests involved, as different ministries and administrative bodies jostle for position to regulate the potentially lucrative online sphere.

These conflicts are taking place against a background where many legal and regulatory regimes remain underdeveloped. From the constitutional level – where no clear doctrine on free expression and justifiable limits to this has been developed – to the issues of daily management – where it is difficult to assess rules on content control, Internet governance is faced with the necessity rapidly to develop a framework to handle the exuberant flourishing of Internet activities. This project aims to map the actors and the emerging initiatives in relation to Chinese Internet governance, and to understand and explain in a grounded manner the substantive ideas that shape China's cyberlaw and regulation.



Alexandra Braun

Alexander von Humboldt Fellowship

Freedom of Testation and Testamentary Promises **Will-substitutes**

Dr Alexandra Braun has been awarded an Alexander von Humboldt Fellowship for Experienced Researchers for the academic year 2013–2014. This fund will enable her to devote time to a book project focusing on testamentary promises.

The purpose of the research is to investigate the nature of testamentary promises (ie promises to make a will in a particular way in favour of another person at some point in the future) both from a comparative and historical perspective, and to examine the conflict they give rise to with core aspects of succession law such as the principle of testamentary freedom, forced heirship rules, as well as formality requirements.

It explores the juridical responses across multiple legal systems with the aim to identify the basis of the recovery behind those responses, and to establish when testators and their estate can be held liable. The project further contrasts the treatment of testamentary promises with that of lifetime promises, while also considering social as well as public policy questions involved.

John Fell Fund



Alison Young

Leverhulme Trust Fellowship

Constitutional Dialogue

Dr Alison Young has been awarded a Leverhulme Trust Fellowship for 2013 - 2015 to write a book on constitutional dialogue. 'Democratic dialogue' is a much-used, but often misunderstood term. In the field of human rights it is often seen as a panacea, promising to provide courts with the necessary tools to provide a strong protection of human rights, whilst also enabling Parliament to 'correct' the views of the court where they are perceived to stray too far into policy choices that should be taken by democratically-accountable institutions. Yet, most theories of democratic dialogue often fail to explain how, if at all, they are able to achieve this aim, or what, if anything, is distinctive about taking a democratic dialogue approach. Alison's book will argue that democratic dialogue is best understood as a constitutional model – a theory that aims to provide a simplified account of interactions between different institutions of the constitution but which is based upon a set of normative principles. The distinctive features of democratic dialogue, as compared to other constitutional models, are its dynamic approach and its normative claim that both the courts and the legislature have a role to play in developing and protecting human rights and other constitutional principles.



Ambrose Lee

Leverhulme Trust Early Career Fellowship

Internal Constraints to Coercive Harm Prevention

Dr Ambrose Lee has been awarded a Leverhulme Trust Early Career Fellowship for 36 months from May 2013 for a research project titled 'Internal Constraints to Coercive Harm Prevention'. This fellowship will enable him to further develop the research he has been conducting since January 2012 as a postdoctoral research officer for the AHRC-funded Preventive Justice Project with Professor Andrew Ashworth and Professor Lucia Zedner.

The project aims to develop an account of the principles and values that should guide and limit the state's use of preventive techniques that involve coercion, more specifically by asking why the state should prevent harms to start with. Once this preventive rationale is identified, constraints on the state's use of coercive techniques to prevent harms can then be derived, by asking whether those coercive techniques contradict or undermine the rationale(s). The resulting set of constraints to coercive harm prevention would then be internal to the preventive rationale and which have to be accepted on pain of contradicting or undermining it, as opposed to constraints external to the preventive rationale that are more prevalent in contemporary literature. Part of the purpose of the project is also to explore whether the case for such external constraints can be strengthened by recasting them as internal ones.

Projects that are on-going...



Geneviève Helleringer
Leverhulme Trust
Early Career
Fellowship
**Private Regulation of
Disputes**

Geneviève Helleringer, Fellow of St Catherine's College was awarded a Leverhulme Early Career Fellowship in May 2013. She is engaged in an empirical study of private regulation of disputes. Her main focus is on conflicts of interests arising in the setting of commercial arbitration as well as corporate and financial market disputes. In this endeavour, she relies on findings from comparative law as well as behavioural studies.



Imogen Goold
John Fell Fund
**Cognitive
Enhancers:
Developing Methods
to Investigate their
Use**

This is an inter-departmental pilot project to explore strategies for gathering data about the use of cognitive enhancement technologies (substances, methods and tools that can enhance human cognitive capacities). An example is the off-prescription use of Modafinil (a drug used to treat narcolepsy) to enable a surgeon to stay alert during surgery despite being fatigued. Given the likelihood that these technologies will soon proliferate in production and use, preparatory legal debate is needed. For this debate to be informed, it must draw on actual data on uses/users likely to need regulation (such as medical practitioners, pilots, and drivers). There is, however, very little available data on the use of enhancers, particularly use that has led or could lead to harm (including harms that might precipitate legal proceedings). Enhancers are definitely being used, but the few studies of use that exist are limited and did not collect information about legal proceedings, possible negligence, and other data necessary for the project on the regulation of enhancer use. This project will use an online survey to collect focused data on uses that may have or could have led to legal proceedings, or that raise issues for regulation, collected from users and from people who suspect they have been harmed by another's use/failure to use.

AHRC
**Law, Regulation
and Human
Enhancement
Technologies**

The team will be establishing an international research network of legal scholars, legal practitioners, and scientists to collaborate in researching the regulation of human enhancement technologies. Examples of these new technologies include pharmacological substances that improve cognition, chemical enhancement in embryo development, and hormonal techniques for increasing physical strength. This research will be undertaken via a series of workshops and other collaborative activities held in Oxford and in our partner institutions in Hamburg, Tilburg, Pavia, Bristol, and KCL.



Nazila Ghanea
National Priority
Research Program of
the Qatar Foundation
**The Domestic Effects
of International
Human Rights
Treaty Ratification**

Dr Ghanea is co-investigator on a major two-year grant looking at the domestic effects of international human rights treaty ratification. Nazila is working with colleagues at UCL, Georgetown, and Qatar University in advancing this research between November 2012 and October 2014.

The research assesses this question in relation to the member states of the Gulf Co-operation Council (GCC). It will study domestic mechanisms of human rights treaty effect in these countries, the relationship between state-led and civil society-led effects, and the role that the United Nations institutions play in informing this effect. The grant is for \$670,000 and has been awarded by the National Priority Research Program of the Qatar Foundation.

Interviews and workshops have already been held with both civil society, NHRI, and governmental actors from all six GCC states: Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the UAE.



Justine Pila

John Fell Fund

The Europeanization of Intellectual Property Law: Perspectives on the Unitary (EU) Patent System

This year work on Justine Pila's 'Europeanization of Intellectual Property Law' project continued, assisted by a grant from the University of Oxford's John Fell OUP Research Fund. The first book to result from the project will be published by OUP in November 2013 under the title *The Europeanization of Intellectual Property Law: Towards a European Legal Methodology* (eds Ansgar Ohly & Justine Pila), building on the conference hosted by Oxford and Bayreuth Universities in Oxford in January 2012. The next event to take place – "Perspectives on the Unitary (EU) Patent System" – will be hosted by Oxford's Institute of European and Comparative Law in collaboration with the UEA's ESRC Centre for Competition Policy in Oxford on 4 and 5 October 2013 in Oxford. Its purpose will be to mark the fortieth and fiftieth anniversaries of the signing of the European and Strasbourg Patent Conventions, and to help set the agenda for a larger event focused on those conventions to be held in the future. The conference will bring together experts from different fields to offer their perspectives on the proposed unitary patent system. For a copy of the programme, and further information about other EIPL events, please see the project's website at www.law.ox.ac.uk/projects/EuropeanIP.

Other Research News



HeLEX

HeLEX is an interdisciplinary research centre, based at the Department of Public Health in the University's Medical Sciences Division.

The Centre for Health, Law and Emerging Technologies (HeLEX) is directed by Dr Jane Kaye and specializes in investigating the relationships between law, ethics, and practice in the area of emerging technologies in health. To address these complex issues, we use an interdisciplinary approach drawing on the skills of a team of lawyers, ethicists, and sociologists. HeLEX researchers work with scientists in cutting-edge projects in the areas of genomics and personalized medicine, stem cell research and regenerative medicine, as well as synthetic biology. The aim of the research at HeLEX is to understand how the use and impact of innovative technologies in health can be accommodated within existing legal and governance frameworks, and the extent to which such frameworks may need to evolve. By working alongside scientists we aim to understand the relationship between law and practice, but also to be instrumental in the development of policy and governance structures that can help to support ethical and lawful scientific practice. Our current research focuses on medical law, intellectual property law, information law (data protection and privacy law), and regulation. Our research projects address the ethical, legal and social issues (ELSI) associated with biobanks (BioSHARE and StemBANCC), data-sharing research infrastructure (UK10K), global governance, personalized medicine (DIRECT), patient

engagement (Dynamic Consent), and how to use information technology to improve current practice. We are leading the ELSI 2.0 global initiative for researchers working in genomics (Science 2012: DOI: 10.1126/science.1218015) and have been involved in the formation of the recently announced Global Alliance (Nature 2013; Vol 498). HeLEX has obtained over half a million in funding over the past year for research. Our funding bodies include the Wellcome Trust, the European Commission, the Engineering and Physical Sciences Research Council, the Technology Strategy Board, and the Economic and Social Research Council.

Dynamic Consent Project

This project, developed with industry partners, is developing a user interface (for a tablet computer or a website) to improve the way that participants involved in medical research can give their consent and protect their privacy.

This interactive interface has been designed according to data protection principles and will give participants the opportunity to control how their samples and information are used in a biobank and will enable them to engage more closely with researchers and the research they are involved in. Given the increasing reliance on the use of data in the digital economy, this platform is designed to give patients greater confidence to participate with cutting edge research but also has the potential for wider application: www.dynamic-consent.info

Research Paper Series

Publication of new research and working papers in the University of Oxford Legal Studies Research Paper Series (RPS) on the Social Science Research Network doubled in 2012–2013 from 50 to 100 papers annually.

The RPS started in 2006 and is the top-ranked series among international (ie non-US) law schools, with 58,000 paper downloads from mid-June 2012 to mid-June 2013.

To read these papers, go to:

www.ssrn.com/link/oxford-legal-studies.html

To receive the free e-journal with notifications of new papers, subscribe at: <http://hq.ssrn.com/jourlnvite.cfm?link=U-Oxford-LEG>

And finally...

Committee on Cosmetic Interventions

Chris Hodges, European Justice Forum, CMS Legal Services and Swiss Reinsurance Company Programme funding – for the Civil Justice Systems Programme

UK health ministers established a Committee on Cosmetic Interventions in 2012, chaired by the Medical Director of the NHS, Professor Sir Bruce Keogh, to examine a series of problems with cosmetic practice.

The problems range from dangerous use by beauticians of Botox and lasers to problems with implants, such as orthopaedic hips and knees and especially the PiP breast implant scandal. Professor Christopher Hodges and Dr Sonia Macleod were invited to advise the Keogh Committee on issues relating to medical device regulation, liability, and insurance. The Committee's Report, *Review of the Regulation of Cosmetic Interventions*, published in April 2013, made 40 recommendations, which mainly focused on increasing regulation and training of beauticians and cosmetic surgeons. It also adopted Chris's proposals that ombudsman arrangements should be extended to cover all UK healthcare complaints and disputes, that this should be done by extending and modernizing the remit of the Parliamentary and Health Service Ombudsman (PHSO) to cover private sector healthcare providers, and that special insurance pooling and compensation scheme arrangements should be encouraged for pharmaceutical and medical device companies. They have been scoping options for compensation arrangements with industry lawyers.

Chris and Sonia were subsequently invited to attend a Chatham House policy discussion with the PHSO and will continue to advise on implementation issues. The PHSO also adopted several of their suggestions on how her role should be reformed generally, as contained in her submission to the Parliamentary Public Administration Select Committee's review in June 2013. They noted the need for free access by the public to PHSO, and for the aggregated data on complaints and performance of public bodies to be collated and recycled, together with construction of a regulator-type function in the public sector to drive improvements in performance.



Andrew Dyson, James Goudkamp and Frederick Wilmot-Smith have been awarded £7,500 from the University's John Fell OUP Research Fund to support a series of workshops on the theme "The Limits of Liability". The workshops, which will take place over four years at All Souls College, will explore defences to liability throughout the law of obligations. The first workshop, which will address defences in tort law, will take place in January 2014. The proceedings will be published by Hart Publishing.

Rachel Condry and Anna Kotova have been awarded the Sir Halley Stewart Trust Research Studentship to fund a project on 'Making love last: maintaining intimate relationships with long term prisoners'.

Naomi Creutzfeldt-Banda has been awarded a three-year ESRC Future Leaders Research Fellowship for a project starting in October 2013 on 'Trusting the middle-man: impact and legitimacy of ombudsmen in Europe'.

Agnieszka Kubal has been awarded a post-doctoral grant from the British Academy and an award from the Fell Fund to pursue an international research project focusing on the socio-legal aspects of migrants' integration in Russia, entitled: 'Helots no more? Protection of Human Rights and Access to Justice for Migrants in Russia'.

Dorota Leczykiewicz has been awarded a grant from the Fell Fund for a 12-month project starting in Sept 2013 on 'The image(s) of the 'consumer' in EU law: legislation, free movement and competition law'.

Richard Ekins and Paul Yowell have been given funding from the Foundation for Excellence in Higher Education for a new Programme on the Foundations of Law and Constitutional Government.

Carolyn Hoyle has been awarded a research grant by the Leverhulme Trust. The grant is for a 24-month project from 1 September 2013 on 'Last Resorts: decisions and discretion at the Criminal Cases Review Commission'.

John Armour and an international team of researchers have received funding from the ESRC for a project on law, development and finance in the 'rising powers' (Brazil, India, Russia, and China).

From top: Andrew Dyson, James Goudkamp, Frederick Wilmot-Smith, Rachel Condry, Anna Kotova, Naomi Creutzfeldt-Banda, Agnieszka Kubal, Dorota Leczykiewicz, Richard Ekins, Paul Yowell, Carolyn Hoyle, John Armour.

Oxford Graduate Legal Research Conference

The Seventh Oxford Graduate Legal Research Conference was held on 22 and 23 April 2013 at Corpus Christi College.

Graduate legal research in the Law Faculty is very diverse and there was a rich array of presentations from first-year research students concerning the methodological challenges they were encountering in their research. Topics currently being researched by students include payday loans, Chinese insolvency law, comparative law, legal history, intellectual property, immigration law, equality law, legal theory, and aspects of international law. There was also a series of sessions on academic careers, teaching, and submitting to academic journals with discussion being led by panels of Faculty Members. Luke Adams from Edward Elgar Publishing gave a session on monograph publishing. For the first time this year there was also a session on academic blogging. On Monday night there was a conference dinner and the conference was closed with a brilliant address from Professor David Feldman, Rouse Ball Professor of English Law, University of Cambridge on 'Agreement and Disagreement in Legal Scholarship'.

Judith Freedman Recognized in New Year Honours List

Professor Judith Freedman was appointed a Commander of the Order of the British Empire in the New Year 2013 Honours List for services to tax research.



Law Faculty's Success at the 2012 Teaching Awards

The Law Faculty was well represented at this year's Oxford Learning Institute's Teaching Awards ceremony on 7 November in Rhodes House.

Among those receiving awards from Dr Sally Mapstone, Pro-Vice Chancellor for Education, were Penny Schenk (ITC Technician at the Bodleian Law Library), Dr Imogen Goold (Fellow and Tutor in Law at St Anne's), and Agnieszka Kubal. Agnieszka, who gained a DPhil in Socio-Legal Studies credited her good start in teaching to the Faculty's 'Preparation for Learning and Teaching at Oxford' (PLTO) program. Dr Lucinda Ferguson was among those recognized for receiving an OUSU teaching award. Penny and Imogen also received OxTalent Awards in July.

2012 European Criminology Award

Roger Hood, Emeritus Fellow of All Souls, received the European Society of Criminology's 2012 European Criminology Award 'For a lifetime Contribution to European Criminology', at last year's Annual Conference in Bilbao.

Ruth Deech and Mark Freedland made QCs *Honoris Causa*

Baroness Ruth Deech and Professor Mark Freedland have been appointed Honorary Queen's Counsel.

The award of Queen's Counsel *honoris causa* is made to lawyers who have made a major contribution to the law of England and Wales outside practice in the courts.

Clockwise from left: Judith Freeman and CBE; Jane Stapleton, Roger Hood; Ruth Deech; Mark Freedland; (l-r) Penny Schenk, Imogen Goold and Agnieszka Kubal.

Jane Stapleton Wins William L Prosser Award

Professor Jane Stapleton has been awarded the prestigious William L Prosser Award by the Association of American Law Schools.

The award was created in 1974 to honour outstanding contributions to the world of tort law scholarship. Previous recipients of the award include Leon Green, Wex Malone, Oscar Gray, Robert Rabin, and the Hon Richard A Posner.

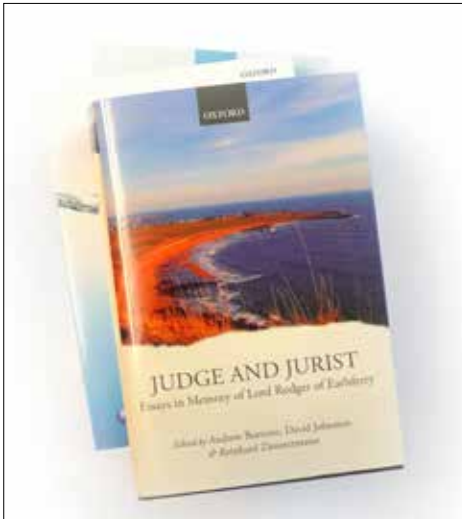
Professor Stapleton is a Visiting Professor at Oxford University and an Emeritus Fellow of Balliol College. She is a past holder of the prestigious Arthur Goodhart Visiting Professor of Legal Science Chair

at Cambridge University and an Honorary Bencher of Gray's Inn. Professor Stapleton is a Research Professor of Law at the Australian National University College of Law in Canberra, and the Ernest E Smith Professor in Law at the School of Law University of Texas at Austin.

The award recognizes the influence of Professor Stapleton's scholarship and teaching in the areas of tort and product liability and her wide-ranging professional accomplishments.

PUBLICATIONS

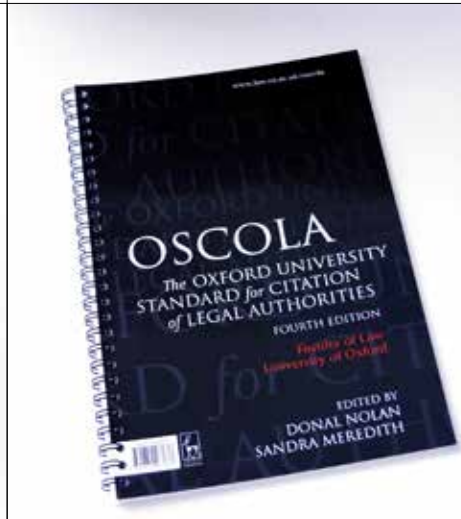
Judge and Jurist - Essays in Memory of Lord Rodger of Earlsferry



The recently published *Judge and Jurist – Essays in Memory of Lord Rodger of Earlsferry* (OUP, 2013) is a collection of essays edited by Andrew Burrows, David Johnston, and Reinhard Zimmermann. The collection includes nine essays by Law Lords or Justices of the Supreme Court, together with an essay by Lord Rodger’s final judicial assistant, and provides a unique insight into the work of the UK’s highest court and Lord Rodger’s contribution to it. Most of the essays deal with areas of law that were of abiding interest to Lord Rodger, especially Roman law and Roman legal history, and Scots law and Scottish legal history. A final section contains essays examining some recurring themes that intrigued Lord Rodger.

As is explained on the cover of the book: ‘Many of the essays include reminiscences of Lord Rodger. These and the memorial tributes add a personal dimension to the picture of a great lawyer and judge and show Lord Rodger to be a person of profound humanity with an engaging sense of humour. These essays as a whole will help the reader to understand why Lord Rodger was so highly regarded and why his untimely death is so keenly felt in the courts and universities alike.’

OSCOLA

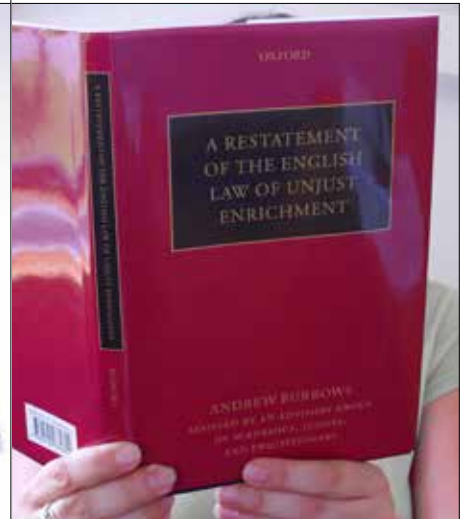


In May 2013, Donal Nolan (Fellow and Tutor in Law, Worcester College) and Sandra Meredith (Departmental Lecturer in Legal Research Skills), editors of the *Oxford University Standard for Citation of Legal Authorities (OSCOLA)* were shortlisted for the Halsbury Award for Academic Contribution.

These awards, which made their debut this year, celebrate excellence in the law, great contribution to the legal sector, and significant impact on the academic development of the law and its study. The extent of OSCOLA’s impact in law schools in the UK and beyond is suggested by some 17,000 individual downloads of the free pdf version between May 2012 (when the revised 4th edition was published) and January 2013, as well as sales of the hard copy version in the UK and overseas. More than 60 university websites link to OSCOLA and at least 20 have developed their own online OSCOLA tutorials, printed guides, apps and YouTube videos. Several legal scholars and practitioners with enviable IT skills have developed OSCOLA styles for Zotero and Latek software, in addition to the Oxford Law development of Endnote and Refworks styles. And OSCOLA’s impact goes beyond universities, with many legal publishers having now adopted the style.

OSCOLA can be purchased from book stores or directly from Hart Publishing (ISBN13: 9781849463676) and a free PDF version is available from www.law.ox.ac.uk/oscola.

The Law of Unjust Enrichment Lecture and Book Launch



Professor Andrew Burrows QC has recently published *A Restatement of the English Law of Unjust Enrichment* (OUP, 2012). This novel project – drafted in conjunction with an advisory group of academics, judges and practitioners – was launched by Professor Burrows and Fountain Court Chambers, supported by Oxford University Press and the Law Faculty, in London on 24 January 2013.

The evening began with a brief lecture by Professor Burrows to a large audience, which included a number of the senior judiciary. He introduced the area of law, set out his reasons for having a Restatement, and explained some of its major provisions. A lively Q&A ensued, including an interesting hint from Lord Walker that he regards the current structure of the law as overly complicated.

*Frederick Wilmot-Smith
All Souls College.*



Leslie Green (centre) at the Queen's University celebration.

Celebration of HLA Hart's *The Concept of Law*, 3rd Edition

In February Professor Leslie Green attended a celebration at Queen's University, Canada to mark the recent publication of the third edition of HLA Hart's *The Concept of Law* (OUP, 2012). Professor Green joined three other legal theory experts: Professor Christine Sypnowich (Queen's Philosophy), Professor Christopher Essert (Queen's Law), and Hart's last doctoral student, Professor Wil Waluchow (McMaster Philosophy) in a discussion about Hart's work and life.

Fifty years on from its original publication, HLA Hart's *The Concept of Law* is widely recognized as the most important work of legal philosophy published in the twentieth century, and remains the starting point for most students coming to the subject for the first time. In this third edition, Leslie Green provides a new introduction that sets the book in the context of subsequent developments in social and political philosophy, clarifying misunderstandings of Hart's project and highlighting central tensions and problems in the work.

HLA Hart: a discovery

Graduate student Geoff Shaw has discovered a lost essay by HLA Hart from 1956, about discretion in law. Hart's lost essay, and Shaw's interpretation of it, will appear in the *Harvard Law Review* later this year.

Peter Mirfield appointed Editor of the *Law Quarterly Review*

Peter Mirfield, Sir David Lewis Tutor and Fellow in Law at Jesus College and CUF Lecturer in Law, will become the editor of the *Law Quarterly Review* in January 2014.

The *Law Quarterly Review* was founded in 1885 (two years before the *Harvard Law Review*). Its founder and first Editor was the Rt Hon Sir Frederick Pollock, Bart. He remained Editor until 1919, when he was succeeded by AE Randall, a barrister who unfortunately died in 1925. Sir Frederick returned to edit two issues, after which he was succeeded (in 1925) by AL Goodhart, KBE, QC (as he later became) then a member of the Cambridge Law Faculty, who came to Oxford in 1931 as Professor of Jurisprudence and was later Master of University College. Professor Goodhart was succeeded in 1971 by HH PV Baker QC, who retired as Editor in 1987. Professor Francis Reynolds QC, Emeritus Fellow of Worcester College, has been Editor of the journal since that time. It has thus had five editors in 128 years.

The *Law Quarterly Review* provides authoritative and critical analysis on a broad range of legal issues and its articles are frequently cited as sources of influence by courts across the world.

Oxford University Undergraduate Law Journal

The *Oxford University Undergraduate Law Journal* was founded in 2011 and aims to reinforce the strong academic ethos in the study of Law at Oxford. It provides undergraduates with the unique opportunity to write scholarly articles on key areas of legal debate. Following the success of the inaugural issue (which attracted thousands of visits to the website), the second issue was published in July 2013 and can now be viewed online at ouulj.law.ox.ac.uk.

Christy Rush, Editor-in-Chief, explains: 'The journal is written by students for students. As well as the high academic quality of our articles, the journal is set apart by the Honorary Board members who include Sir Nicolas Bratza, Lord Phillips and Michael Mansfield QC. We are extremely grateful to our Board members for their support and to Linklaters who have funded the journal this year.'



Books Published



KF Aas and M Bosworth (eds), *The Borders of Punishment: Migration, Citizenship and Social Exclusion* (OUP, 2013)

A Ashworth, LH Zedner, and PR Tomlin (eds), *Prevention and the Limits of the Criminal Law* (OUP, 2013)

A Ashworth and J Horder, *Principles of Criminal Law* (7th ed, OUP, 2013)

M Bridge, L Gullifer, G McMeel and S Worthington *Commercial Law* (Sweet & Maxwell, 2013)

A Briggs, *The Conflict of Laws* (3rd edn, OUP, 2013)

A Burrows, *A Casebook on Contract* (4th edn, Hart, 2013)

A Burrows, *A Restatement of the English Law of Unjust Enrichment* (OUP, 2013)

A Burrows, D Johnston, and R Zimmermann (eds), *Judge and Jurist: Essays in Memory of Lord Rodger of Earlsferry* (OUP, 2013)

J Cartwright, *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer* (2nd ed, Hart, 2013)

L D'Almeida, J Gardner and L Green (eds), *Kelsen Revisited, New Essays on the Pure Theory of Law* (Hart, 2013)

G Dannemann and S Vogenauer (eds), *The Common European Sales Law in Context: Interactions with English and German Law* (OUP, 2013)

PS Davies and G Virgo *Equity and Trusts: Text, Cases, and Materials* (OUP, 2013)

S Deakin, A Johnston, and B Markesinis, *Markesinis & Deakin's Tort Law* (7th edn, OUP, 2012)

S Douglas-Scott, *Law After Modernity* (Hart, 2013)

J M Eekelaar and M Maclean, *Family Justice: The Work of Family Judges in Uncertain Times* (Hart, 2013)

E Fisher, B Lange, and E Scotford, *Environmental Law: Text, Cases & Materials* (OUP, 2013)

R George, F Judd QC, D Garrido, and A Worwood, *Relocation: A Practical Guide* (Jordan, 2013)

J Goudkamp, *Tort Law Defences* (Hart, 2013)

B Haecker, C Mitchell, and S Elliott (eds), *Restitution of Overpaid Tax* (Hart, 2013)

JJW Herring, *Caring and the Law* (Hart, 2013)

JJW Herring, *How to Decide: What to Do When You Don't Know What to Do* (Pearson, 2012)

JJW Herring, *Medical Law: Questions and Answers* (2nd edn, OUP, 2012)

A Johnston and G Block, *EU Energy Law* (OUP, 2012)

G Loutzenhiser and J Tiley, *Revenue Law: Introduction to UK Tax Law; Income Tax; Capital Gains Tax; Inheritance Tax* (7th edn, Hart, 2012)

G Loutzenhiser and J Tiley, *Advanced Topics in Revenue Law* (Hart, 2013)

D Leczykiewicz and S Weatherill (eds), *The Involvement of EU Law in Private Law Relationships* (Hart, 2013)

M Maclean and J Eekelaar (eds), *Managing Family Justice in Diverse Societies* (Hart, 2013)

C Mitchell and W Swadling (eds), *The Restatement Third, Restitution and Unjust Enrichment: Critical and Comparative Essays* (Hart, 2013)

R O'Keefe, C J Tams, and A Tzanakopoulos (eds), *The United Nations Convention on Jurisdictional Immunities of States and their Property: A Commentary* (OUP, 2013)

M Paparinskis, *The International Minimum Standard and Fair and Equitable Treatment* (OUP, 2013)

J Roberts and A Ashworth (eds), *Sentencing Guidelines: Exploring the English Model* (OUP, 2013)

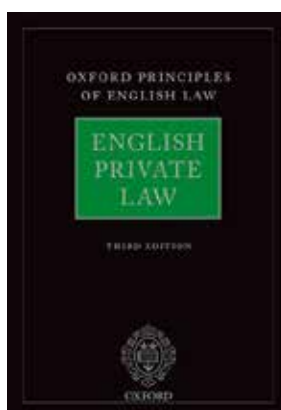
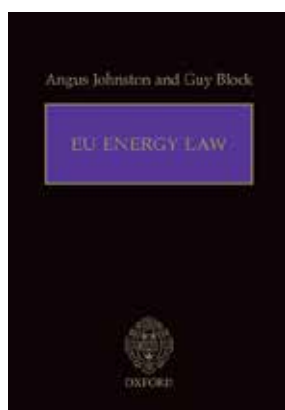
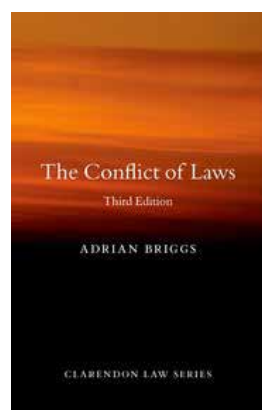
R Smith, *Property Law* (8th ed, Pearson, 2013)

A Tzanakopoulos, *Disobeying the Security Council: Countermeasures against Wrongful Sanctions* (OUP, 2013)

S Weatherill, S de Vries, and U Bernitz (eds), *The Protection of Fundamental Rights in the EU after Lisbon* (Hart, 2013)

J Vidmar, *Democratic Statehood in International Law: The Emergence of New States in Post-Cold War Practice* (Hart, 2013)

K Ziegler and P Huber (eds), *Current Problems in the Protection of Human Rights* (Hart, 2013)



◀ *English Private Law* (3rd edn, OUP, 2013) edited by Andrew Burrows, with chapters by 11 other members of the Law Faculty.



Claire Hansen Appointed Chair of UK Law Students' Association

Claire Hansen, a second-year senior status law student at Harris Manchester College, has recently taken up the role of Chair of the Executive Committee of the UK Law Students' Association (UKLSA) for 2013–2014.

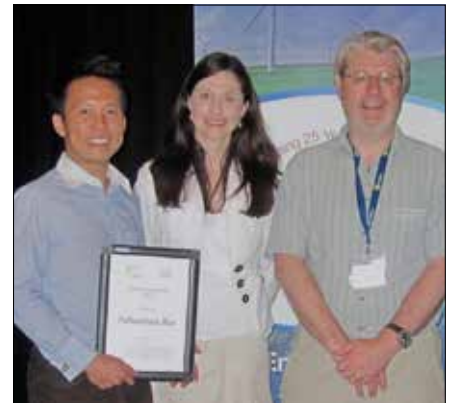
The UKLSA runs a variety of activities designed to assist students with their legal careers, gain experience and visibility in the legal world, and get to know their future fellow legal colleagues around the country. Activities and events include a nationwide moot competition, independent law review, careers and equalities events, and pro-bono opportunities.

Catch up on the latest UKLSA news at www.facebook.com/UKLSA or visit the website www.uklsa.co.uk for more information.

Exeter Student Discusses Burma Constitutional Reform with Aung San Suu Kyi

Exeter student Andrew McLeod (2012, Law) helped lead discussions on the constitutional future of Burma.

The talks, held in Rangoon in May, were designed to foster a culture of constitutionalism in the nascent democracy as it begins to reform its constitution. They brought together constitutional experts from around the world with senior military officers, as well as civil and political leaders from both government and opposition parties, including Nobel laureate Daw Aung San Suu Kyi. The initiative brokered consensus to amend the current constitution to implement a stronger federal system and a stricter separation of powers.



From far left: Claire Hansen; Imran Tehal; Tatiana Cutts with the Vice Chancellor (© Graham Read); (top) Aung San Suu Kyi (© Nigel Stead); (bottom, l-r): Sebastian Ko with Hayley Tam, Head of LexisPSL Environment, and Mark Brumwell, Chair of UKELA.

BCL Student Sebastian Koh wins UKELA Prize

Sebastian Ko (St Hilda's College), who has completed the Bachelor of Civil Law, has been awarded the 2013 Andrew Lees' Prize by the UK Environmental Law Association (UKELA) for his essay on 'Legal treatment of complexity: The unwieldiness of environmental law'.

The essay is published in the July 2013 issue of the UKELA journal *e-law*. 'Sebastian's essay ... provided an elegant pointer to the way forward in addressing the regulation of eco-system goods and

services', Professor Robert Lee of Exeter University noted in judging for the Prize.

The prize ceremony was held in Cambridge on 12 - 14 July 2013 at the UKELA 25th Anniversary Conference, which was attended by the UKELA President and patron, the Rt Hon Lord Carnwarth of Notting Hill, and the Astronomer Royal and guest of honour, the Lord Rees of Ludlow, amongst other friends of the environment.

Graduate Imran Tehal wins The Times–Herbert Smith Student Advocacy Competition

The Law Faculty congratulates Imran Tehal (St John's) on being declared winner of The Times–Herbert Smith Student Advocacy Competition 2012.

The Competition, which was held at the Royal Courts of Justice, centred on the question: 'Quotas: has their time come?'

In arguing against the introduction of quotas Imran prevailed over a strong field of competitors.

Video recordings of Imran's performance can be viewed on YouTube at <http://youtu.be/EdzXv3CDACc>

Tatiana Cutts wins Vice-Chancellor's Civic Award

The Vice-Chancellor's Civic Awards are granted every year to students who show exceptional achievement in and commitment to creating positive social change.

Tatiana Cutts (DPhil Law and Paul Hastings Scholar) who was one of six recipients, founded the Oxford University Student Union's mental health campaign Mind Your Head together with Sebastian Baird. The campaign involves students across the University in helping to raise awareness of mental illness, to reduce the stigma surrounding it, and to promote student mental wellbeing.



Clockwise from left: 2012-2013 scholarship holders; UNIQ Summer School; James Ruddell; Charlotte Thomas

Scholarships

Law Faculty Scholarships
2012–2013

By the generosity of our donors, 20 graduate students were awarded scholarships in 2012.

The Eldon Law Scholarship 2013

Interviews for the Eldon Law Scholarship took place at St Hugh's College on 4 May. The scholarship was awarded to Charlotte Thomas of Lincoln College.

The Eldon Law Scholarship is awarded by the Law Faculty each year to a person, with a first or a distinction in an Oxford undergraduate or postgraduate degree, who is about to embark on a career at the Bar. From those applying, a shortlist of candidates is drawn up to be interviewed by the Eldon Law Scholarship Committee and the award is made to the person who, in the opinion of the committee, is likely to make the best barrister.

The scholarship dates back to 1830. John Scott, the first Lord Eldon (1751–1838) studied at University College in the late 1760s and was called to the Bar at the Middle Temple in 1776. He was Lord Chancellor between 1801 and 1806 and 1807 and 1827. On 12 May 1830, at a meeting of subscribers responding to a public advertisement, with the Duke of Richmond in the chair, it was resolved to establish an Eldon Law Scholarship at the University of Oxford which was to be 'at once creditable to the subscribers and honourable to the Earl of Eldon'. A sum of £7,631.9s.5d was raised. The award for the 2012 scholar is £14,500 spread over two years.

Famous Eldon Scholars included in 1834 R Palmer (Earl of Selbourne), in 1859 H Davey (Lord Davey), in 1921 AT Denning (Lord Denning), and in 1930 RO Wilberforce (Lord Wilberforce).

FMB Reynolds Scholarship in Law at Oxford

Congratulations to James Ruddell, from the University of Auckland, who will be the first FMB Reynolds Scholar to study at Oxford.

The FMB Reynolds Scholarship has been established to recognize the support that Emeritus Professor Francis Reynolds has provided to New Zealand law students at the University of Oxford for over 40 years. The aim of the scholarship is to assist New Zealand law graduates to commence postgraduate study in law at Oxford.

James was the top student at Auckland Law School last year, winning the Auckland District Law Society Prize for that and holding many subject prizes. He has been Editor-in-chief of the *Auckland University Law Review* and Pro Bono Manager for the Equal Justice Project (Auckland Law School's legal advice scheme). He has a forthcoming article on statutory interpretation and the general anti-avoidance rule in tax statutes to appear shortly in the *New Zealand Universities Law Review*.

We will look forward to welcoming James to Oxford in the autumn when he will take up his place on the BCL.

UNIQ Summer School

Oxford never seems to get a good review in the press and its myths are still resonating down the ages. Rarely have such reviews or myths ever been true, and nothing better proves this than the UNIQ summer schools. On two separate weeks, two cohorts of 40 talented lower sixth students from underprivileged backgrounds get to spend a week in Oxford, for free, having as close to an undergraduate experience as is possible.

Like any fair representation of Oxford, the week is absolutely crammed full of activities. There is a trip to a City law firm, a trip to the magistrates' court, a whole morning devoted to admissions questions and myths, a dinner with an Oxford Law alumnus, a bop (!), a trip to see an open-air Shakespeare play and much more. But two main aspects stick most prominently in the students' minds when they look back.

Firstly, all the students are given a working Bod Card for the week they are here – this grants them access to all libraries and colleges the same as an undergraduate. Combine this with at least two hours free time every day and the students soon fall in love with the city.

Secondly, and most importantly, the students experience 'real life' Oxford teaching – one of their lectures forms the basis for a tutorial, and one forms the basis for a moot they have to argue in front of a judge. Without a doubt, experiencing first-hand what teaching at Oxford is like is the greatest asset of UNIQ. The tutorial system is the greatest, yet least well-known, aspect of Oxford and the sample the students get on UNIQ means all students come out glowing after their tutorials (many still debating!), and feel much happier about what studying at Oxford would mean.

If that isn't enough to convince anyone that it is worthwhile, the facts speak for themselves. Last year 40 percent of the students who attended the UNIQ summer school were offered a place at Oxford.

Matthew Mills, UNIQ Student Mentor

MOOTING

Oxford International Intellectual Property Moot

The annual Oxford International Intellectual Property Moot was held at the Law Faculty and Pembroke College from 14 to 16 March 2013. Teams enjoyed a busy three days, with not only the moot competition itself, but a variety of related events, including the Intellectual Property Conversazione and Grand Final Dinner.

The 2013 problem concerned an attempt by a pharmaceutical manufacturer to rely on trade mark rights to effectively extend its monopoly on a drug the patent on which has expired. Teams were invited to compete at the oral proceedings in Oxford on the basis of written submissions submitted in December 2012. The submissions were marked by Lorna Brazell and her team at Bird & Bird LLP. The winner of the Best Written Submissions award was the University of Cambridge.

Following shortlisting, 20 teams from Australia, Canada, China, India, Germany, Singapore, the US, and the UK competed in Oxford. In a change from previous years, teams competed in four preliminary rounds (up from two). The eight highest-ranked teams progressed to the quarter-finals, with the Queensland University of Technology (QUT) placing first after the preliminary rounds. QUT team member Lucy Munt also won the Sir Nicholas Pumfrey Best Individual Mooter award for her performance in the rounds.

The grand finalists, the University of Ottawa and the National Law University, Delhi, competed at Pembroke College in front of a panel comprising of Lord Justice Mummery PC, Mr Justice Floyd (as he then was), and HHJ Colin Birss (as he then was). The grand final was won by the University of Ottawa. A new prize based on the vote of all of the teams in the competition – the Professor David Vaver Spirit of the Moot Award – was won by the Goethe University Frankfurt am Main, and presented by Professor Vaver.

The Organizing Committee would like to thank all those involved in making the moot a success, including the judges of the written and oral aspects of the competition, the moots sponsors (Powell Gilbert, 8 New Square, Oxford University Press and Hart Publishing), his Honour Michael Fysh QC, Professor Timothy Endicott, Huw Edmunds and his team from Pembroke College, and Ellen Moilanen and Jenny Hassan from the Law Faculty.

Emily Hudson



International IP Moot (l-r): Abigail Smith, John Wallace, and Alexandra Mogyoros (University of Ottawa); Sir Christopher Floyd, the Rt Hon Sir John Mummery PC, and the Hon Colin Birss; Pratyush Panjwani, Sai Teja Vangala, and Divya Chawla (National Law University, Delhi).



Oxford's 2013 Jessup Moot Team with the Rebecca MM Wallace Trophy. (l-r): Sir David Edward (grand final judge in the UK rounds), Jiahui Huang (Magdalen), Rajkiran Barhey (Hertford), Daryl Ho (Balliol), Danny Tang (Harris Manchester), and the team's coach, Shreya Atrey (Magdalen).

Philip C Jessup International Law Moot

The Philip C Jessup International Law Moot Court Competition is the best-known and most prestigious moot competition in the world. More than 500 universities participate in the competition, which is run by the International Law Students Association. The moot problem involves complex issues of public international law. Successful teams in the national rounds in London progress to the White & Case international rounds, which take place in spring in Washington DC. Teams prepare written pleadings and oral argument for both of the parties to the dispute.

Continuing Oxford's highly successful record in the competition, a team of four undergraduate students defeated the University of Cambridge in the UK grand final, which was held on 17 February 2013 at Gray's Inn, London. The Oxford team comprised Rajkiran Barhey (Hertford), Jiahui Huang (Magdalen), Danny Tang (Harris Manchester), and Daryl Ho (Balliol). Jiahui Huang received the award for the best speaker in the grand final.

In the international rounds, Oxford placed second out of 126 teams following the preliminary moots. However, the Oxford team was eliminated by five points to four points in the first knock-out round. Jiahui Huang and Rajkiran Barhey were both recognized in the top 25 oralists awards, securing the 13th and 19th positions respectively.

Shreya Atrey



Cuppers Moot (l-r): James Goudkamp (Balliol), John Dagnall (Maitland Chambers), Lord Macdonald QC (Wadham), Christopher Seymour (Brasenose), James Burt (Brasenose), Mark Cunningham QC (Maitland Chambers).

Cuppers Mooting Competition

The University of Oxford Undergraduate Inter-collegiate ('Cuppers') Mooting Competition is organized by the Law Faculty in conjunction with the Law Joint Consultative Committee, and is supported in part by Maitland Chambers.

Up to 32 teams may represent their colleges in rounds I and II of the five-round contest. The eight top-ranked teams in the preliminary rounds advance to the elimination rounds of the competition, comprising quarter-finals, semi-finals and a grand final. The names and college of the winning team are inscribed on the perpetual trophy, which is displayed in the Bodleian Law Library. In addition, the members of the winning team are invited to undertake mini-pupillages at Maitland Chambers and to represent the University of Oxford in the OUP and BPP National Mooting Competition the following academic year.

To maximize student participation, colleges are permitted to substitute mooters during the competition, save only that the same mooters must appear in the semi-finals and grand final. The competition runs in Michaelmas and Hilary Terms, so as to accommodate finalists' involvement.

This year, the grand final saw Brasenose College take on St John's College. The case in the grand final concerned accessory liability in criminal law, and was judged by Lord Macdonald QC, Mr Mark Cunningham QC, and Mr John Dagnall. After a very close contest, James Burt and Christopher Seymour of Brasenose College emerged victorious. Jake Savile-Tucker and Ian Chai from St John's College were the runners-up.

James Goudkamp



Price Media Law Moot: (left) Bantayehu Demile of Addis Ababa University, Ethiopia receives the inaugural Jonathan Blake Spirit of the Competition award; (right, l-r): John Jessup (St Cross), Gethin Thomas (Harris Manchester), Jussi Ollikainen (St Hilda's), Brian Chang (Queen's) (extreme right), with the team from the University of Sarajevo following one of the early rounds.

Monroe E Price Media Law Moot

The international rounds of the Price Media Law Moot Court Programme, held in April 2013, brought together 37 teams from 22 countries.

The final bench, chaired by Justice Andras Sajó (European Court of Human Rights), included Justice Elsie Thompson Nwanwuri (African Court of Human and People's Rights), Desmond Browne QC (5RB), David McCraw (*The New York Times*), Peter Rees QC (Shell International) and Gunjan Shah (Amarchand, India). In a thrilling final held at Rhodes House, Oxford, the team from the National Law University, Delhi, India, prevailed by a small margin over the team from Regent University School of Law, USA, to become champions. Bantayehu Demile of Addis Ababa University, Ethiopia, received the inaugural Jonathan Blake Spirit of the Competition award.

The Programme has continued to expand this year. In addition to the South Asia regional rounds, which are held annually in Delhi, India, in collaboration with the National Law University, Delhi, and the Middle East regional rounds, which are hosted by Al Jazeera in Doha, Qatar, two more regional rounds were launched: the South East Europe regional rounds, which were held in Belgrade in collaboration with the University of Belgrade; and the Americas regional rounds in New York City in association with the Benjamin N Cardozo School of Law and the University of Pennsylvania. Further plans for expansion are under way including East Africa regional rounds to be held in Nairobi, and China national rounds to be held in Beijing.

The Price Moot Court Programme is more than a moot court. It provides students as well as judges with an invaluable training tool for deepening understanding of the laws governing freedom of expression. Many participants come from places where freedom of expression often faces the greatest challenges. The case for this year's competition had at its core the urgent challenge of balancing the need to protect openness in social media with concerns about freedom of expression and public order.

As in past years, a number of side events were organized to complement the competition and reinforce the participants' skills and awareness on new topics. The side events included a seminar on Comparative Perspectives on New Media, Freedom of Expression and Public Order; and a workshop on Securing Freedom of Expression through the UN Human Rights Special Procedures, co-organized by the Media Legal Defence Initiative and Garden Court Chambers.

The Programme received a major boost in 2012 through a grant from the Open Society Foundations. Additional support for the international rounds has been provided by Shell International, Amarchand, Internews, and Oxford University Press.

John Jessup wins Best Oralist Prize

Congratulations to John Jessup, who was awarded the Best Oralist Prize in the Price Media Law Moot. This year was the first occasion on which Oxford competed in this competition. The members of Oxford's team were Brian Chang (Queen's), Gethin Thomas (Harris Manchester), Jussi Ollikainen (St Hilda's), and John Jessup (St Cross).

Nicole Strelau and James Goudkamp



JustCite OLA Immigration Moot (l-r): The Rt Hon Sir Bernard Rix PC, Torsten Cheong (Magdalen), Yu Jie Wu (Magdalen), Anish Hazra (Pembroke).



(l-r): James Goudkamp (Balliol), Anna Kim (Balliol), Yu Jie Wu (Magdalen), Anish Hazra (Pembroke), the Rt Hon Sir Bernard Rix, Theo Taylor (Pembroke), Torsten Cheong (Magdalen), Maleha Khan.



JustCite OLA Immigration Law Moot

Oxford hosted the first JustCite Oxford Legal Assistance (OLA) Immigration Law Moot Court Competition on 27 April 2013. The problem was based on an asylum claim and the moot was exclusively sponsored by JustCite.

The moot problem raised the questions of whether a person claiming asylum had engaged in "acts contrary to the purposes and principles of the United Nations" and, if he had, whether those acts "had sufficient international character" to fall within Article 1F(c) of the Geneva Convention on the Status of Refugees.

Twelve teams consisting of two members each engaged in oral argument throughout the day. After three rounds of competition, four teams progressed to the semi-finals. Anish Hazra (Pembroke) and Theo Taylor (Pembroke) on the one hand, and Yu Jie Wu (Magdalen) and Torsten Cheong (Magdalen) on the other hand, progressed to the grand final.

The grand final was judged by the Rt Hon Sir Bernard Rix PC, who commented on the high standard of mooting, especially given the fact that all of the grand finalists were first-year lawyers. Sir Bernard indicated that he was very impressed by the mooters' depth of legal knowledge and the skill with which they presented their arguments.

After a very close contest, Anish Hazra and Theo Taylor were declared the winners. They were awarded internships at Turpin & Miller, where they will undertake pro bono work.

The Law Faculty is grateful to JustCite for its sponsorship of the moot and the internships.

Anna Kim

MOOTING



The winners and the judges of the Oxford French Law Moot 2013.

University College London wins Oxford French Law Moot

The sixth annual Oxford French Law Moot took place on 11 March 2013. Twelve teams competed for the shield and the final saw the victory of the University College London (UCL) team over their Cambridge opponents. The UCL mooters, Micol Flegenheimer and Lara Levet, were coached by Laure Sauvé, who was presented with a medal by the Association Henri Capitant.

The vision behind the French Law Moot, now organized by Dr Geneviève Helleringer (Fellow of St Catherine's College and Early Career Fellow in the Institute of European and Comparative Law), is to have students for whom French law is a second legal system, and French is a second language, argue a problem prepared and judged by professional French judges and academics. This year, three members of the Cour de Cassation, France's Supreme Court in civil and criminal matters, came from Paris to judge the moot.

Standards of advocacy were unanimously regarded as exceptionally high and the judges had a difficult time deciding between the 12 teams representing British as well as German, Italian, and Spanish universities (in the spirit of the moot, French universities are not allowed to compete). In the end, however, the five-member panel, led by Mr Alain Lacabarats of the Cour de Cassation's Social Division, decided in favour of UCL, which became the first university to win the trophy twice (they previously won in 2010).

This year's problem involved a subtle interplay between employment law, privacy, and the law of evidence, which allowed the mooters to showcase their legal knowledge and hone their advocacy skills.

A dinner at Trinity College concluded a most enjoyable day, made possible through the ongoing welcome support of Gide Loyrette Nouel, an international law firm whose headquarters are in Paris.



Oxford's 2013 Vis Team at the international rounds in Vienna (l-r): Jessica Howley (Magdalen), Ryan Manton (Magdalen), and Jackie McArthur (Magdalen).

Willem C Vis International Arbitration Moot

Oxford competed in 2013 for the first time in the Willem C Vis International Commercial Arbitration Moot. This year's competition took place between 23 and 28 March 2013 in Vienna and drew teams from 290 universities around the world, making it one of the world's largest mooted events.

Oxford's team comprised Jessica Howley (Magdalen), Martin Kok (University), Ryan Manton (Magdalen), and Jackie McArthur (Magdalen). The problem centred on an international commercial dispute concerning a contract for the supply of polo shirts. It raised evidential and choice of law issues, as well as breach of contract issues arising under the United Nations Convention on the International Sale of Goods.

Oxford's team was the only team from the UK to progress to the round of 64 after qualifying for the elimination rounds with the sixth highest score in the competition. The team was, however, eliminated at this knock-out stage of the competition. The team was awarded an honourable mention for its oral submissions.

The Holdsworth Society Moot

The Holdsworth Society Mooting Competition, which was funded in part by Herbert Smith Freehills, took place in Hilary Term 2013. The moot was organized by the St John's College Law Society, The Holdsworth Society. Sixteen teams entered the competition, which involved four rounds. The moot problems were based on tort, contract, and land law. The grand final was judged by the Rt Hon the Baroness Hale of Richmond PC. Congratulations to the winning team, Bibek Mukherjee (Jesus) and Alwyn Clarke (Jesus).

Rosa Beswick-Maddocks



James Fagan (Mansfield) arguing in the Grand Final before The Rt Hon Sir David Keene PC.

Shearman & Sterling University of Oxford Moot Competition

The Shearman & Sterling LLP University of Oxford Moot Competition was held at St Catherine's College on 26 January 2013. Twelve teams, selected from a wider pool on the strength of their written submissions, engaged in oral argument throughout the morning.

They were judged by members of Shearman & Sterling LLP as well as by members of the Oxford Law Faculty. After three rounds of stiff competition, four teams progressed to the semi-finals. The semi-finals were keenly contested affairs, with the judges remarking on the impressive quality of the submissions. The team of Senthilkumaran Sabapathy (Balliol) and Scott Tan (Queen's) on the one hand, and Claire Overman (Keble) and James Fagan (Mansfield) on the other, progressed to the grand final. The grand final was judged by the Rt Hon Sir David Keene PC, who declared the contest to be a well argued and very closely fought affair. Senthilkumaran Sabapathy and Scott Tan were crowned the winners of the moot.

James Goudkamp

Annual St Hilda's Moot

The annual St Hilda's Law Society Mooting Competition, sponsored, in part, by 7 King's Bench Walk, took place in Michaelmas Term. 30 students took part in the competition.

The problem involved issues in the law of contract and the law of torts. In a hotly contested grand final judged by Simon Picken QC and Peter MacDonald Eggers QC of 7 King's Bench Walk, Alina Gerasimenko (University) and Laura Ruxandu (University) narrowly beat Daryl Ho (Balliol) and Shaun Kua (Balliol).

Ben Foster



Oxford's victorious 2013 Varsity Roman Law Moot Team (l-r): Michal Hain (St Anne's), Eewei Seah (Brasenose), Professor David Ibbetson (Regius Professor of Civil Law in Cambridge), Caroline Greenfield (Brasenose), Yu Jie Wu (Magdalen), and Professor Boudewijn Sirks (Regius Professor of Civil Law in Oxford).

Oxford Victorious in Varsity Roman Law Moot

Adding a third outright victory to its two past honourable draws, the University of Oxford edged ahead of Cambridge in this seventh year of the annual Oxford v Cambridge Clifford Chance LLP Roman Law Moot Court Competition.

The Oxford team of Caroline Greenfield (Brasenose), Michal Hain (St Anne's), Eewei Seah (Brasenose), and Yu Jie Wu (Magdalen), travelled to Cambridge for the traditional double moot before Regius Professors of Civil Law David Ibbetson (Cambridge) and Boudewijn Sirks (Oxford).

The Oxford team researched and developed arguments on three grounds. The first was a claim for manifest theft of the plaintiff Figulus's beautiful white stag, Fautrix, by the defendant Stellio, who took the beast while on a walking holiday in AD 560 – suspecting, but not particularly caring, that it might be someone's pet. The second claim was for *iniuria* by Stellio's entering Figulus's land without permission. With no classical or post-classical text directly canvassing the notion of a 'right to roam', teams combined careful reading and synthesis of Digest authorities on *iniuria* and the *lex Cornelia de iniuriis* with appeals to the underlying principles of *contumelia* and *boni mores* in their attempts to persuade the bench for and against the validity of the claim. The *iudices* and *oratores* retired for dinner with audience members – including Cambridge's distinguished Arthur Goodhart Visiting Professor of Legal Science, Professor Spyridon Flogaitis – where it was announced that Oxford would retain the shield, and Rachel Decruz (Cambridge) was proclaimed the Best Oralist. Particular thanks are due to long-standing competition sponsors, Clifford Chance LLP, for their interest in, and support of, a contest that every year attracts some of the most talented first-year law students from both universities, and to the Cambridge team coach, Dr Stelios Tofaris, who kindly consented to the use of his name in the problem – *stellio* being a newt or spotted-backed lizard known to Pliny, alongside the rather better-known *figulus*, a potter.

Sixth International Roman Law Moot

From 7 to 10 April 2013, students and academics from the universities of Oxford, Cambridge, Liège, Trier, Athens, Vienna, Tübingen, and Naples gathered in Oxford for the Sixth International Roman Law Moot Court Competition – the first time this event has been held outside Greece. Professor Tony Honoré, formerly Regius Professor of Civil Law in Oxford, opened the event with some remarks connecting Roman law mooting with civil law litigation and instruction in Oxford.

At moots conducted in the St Cross Building and at All Souls College, teams presented submissions in relation to an alleged servitude, the applicability of the *interdictum de fonte*, and a *damnum iniuria* claim arising out of the blocking of an underground watercourse in factual circumstances strongly reminiscent of the plot of Marcel Pagnol's *Jean de Florette*. The parties, Iohannes and Ugolinus, also contested contractual claims connected with the loan of a mule and a hypothec granted to secure a loan over the former's now dried-out farming property.

The University of Athens was awarded the first prize (a silvered *antoninianus* from the reign of the Emperor Gordian), narrowly defeating the Oxford team of James Fisher (St Catherine's), Nicholas Kamlisch (St Catherine's), Benjamin Ong (St Edmund Hall), and Alyssa Stansbury (Magdalen) in the grand final. This is the second victory for an Athenian team in the contest. The Oxford team's performance was, nonetheless, a very strong one across the competition, with three of the team members placing in the top 10 oralists, and the runner-up prize of a silver *denarius* from the reign of Caracalla will now adorn the trophy shelf outside the Dean's office.

After this very successful event in 2013, sponsored by Clifford Chance LLP, the Oxford Law Faculty will look forward to hosting the Seventh International Roman Law Moot again in April 2014.

Benjamin Spagnolo



International Roman Law Moot. Top: Oxford's Team (l-r): Alyssa Stansbury (Magdalen), Benjamin Ong (St Edmund Hall), Nicholas Kamlisch (St Catherine's), and James Fisher (St Catherine's). Bottom: Judges and participants in the Sixth International Roman Law Moot at All Souls College, ahead of the Clifford Chance LLP European Private Law Dinner.



St Hilda's Moot (l-r): Daryl Ho (Balliol), Ben Foster (St Hilda's), Shaun Kua (Balliol), Simon Picken QC, and Peter MacDonald Eggers QC (both of 7 King's Bench Walk).



Hugh Collins elected to the Vinerian Professorship of English Law

Professor Hugh Collins has been appointed by the University as the new Vinerian Professor of English Law. Professor Collins will succeed Professor Andrew Ashworth in the Vinerian Chair from October 2013, and will be a Fellow of All Souls College.

Professor Collins joins the Law Faculty from the London School of Economics, where he has been Professor of English Law since 1991. He studied law at Oxford and Harvard and was previously a Fellow of Brasenose College. He has also visited and taught in several US law schools, including Boston University and New York University, and conducted extended periods of research at Harvard and the University of Virginia. Hugh's research interests lie in three main fields: employment law, contract and commercial law, and legal theory.

The Vinerian Professorship, first held by Sir William Blackstone, was established at All Souls in the 1750s and is the oldest professorship in the law of any common law jurisdiction. Previous holders of the Chair include Albert Dicey, Sir Rupert Cross, and Sir Guenter Treitel.



Catherine Redgwell elected to the Chichele Professorship of Public International Law

Professor Catherine Redgwell has been appointed as the Chichele Professor of Public International Law, following the retirement of Professor Vaughan Lowe QC in September 2012. Since 2004, Catherine has been Professor of International Law at University College London, having previously held positions in Oxford, Nottingham and Manchester. She has served on secondment to the Legal Advisers, Foreign & Commonwealth Office.

Catherine is author of numerous books, book chapters, and articles in the public international law, international environmental law, international energy law, law of the sea, and treaty law. Recent publications include co-authored new editions of Birnie & Boyle's *International Law & the Environment* (OUP, 2009) and of Lyster's *International Wildlife Law* (CUP, 2010), with a substantially revised fourth edition of *International Law & the Environment*, and a third edition of *Energy Law in Europe* (OUP), due in 2014. Catherine is currently co-investigator, with the Universities of Oxford and Sussex, in a two-year (2012–2014) research project on Climate Geoengineering Governance funded by the Economic and Social Research Council and the Arts and Humanities Research Council. The Chichele Professorship was established in 1859. Previous holders include Sir Humphrey Waldock and Sir Ian Brownlie.



Stefan Enchelmaier

Stefan Enchelmaier joins Lincoln College in the academic year 2013–2014 as Fellow and Tutor in Law, and the Faculty as Professor of European and Comparative Law. Stefan studied law, philosophy, and Latin at the Universities of Cologne, Hamburg, and Edinburgh (LLM 1991). Stefan is a fully qualified German *Rechtsanwalt*. He obtained his doctorate from the University of Bonn with a thesis on oligopolies in European competition law, and his habilitation (German professorial qualification) from Ludwig Maximilian University, Munich, with a thesis on proprietary transactions involving intangibles under English and German law. After a first stint at Oxford in 1997–2003, he worked at the Max Planck Institute for Intellectual Property and Competition Law, Munich, and latterly held a chair in European and Comparative Commercial Law at York Law School, University of York. Stefan's research interests are in European economic law, company and insolvency law, and comparative law. He will also be teaching Roman law and contract law.



Dr Cathryn Costello

Dr Cathryn Costello will, in October 2013, take up the post of Andrew W Mellon University Lectureship in International Human Rights and Refugee Law, at the Refugee Studies Centre, Oxford, with a fellowship at St Anthony's College. Since 2003, she has held the Francis Reynolds Fellowship in EU & Public law at Worcester College, Oxford, during which time she also completed her DPhil studies on EU asylum and immigration law. She has taught a range of public and EU law courses on the Oxford undergraduate and postgraduate curriculum. She began her academic career in 1998 as Lecturer in European Law at the Law School, Trinity College Dublin, and from 2000–2003, she also held the position of Director of the Irish Centre for European Law. Cathryn is looking forward to strengthening links between the Law Faculty and the Refugee Studies Centre, and developing greater synergies between her teaching and research on refugee, EU and human rights law.



Andrew Dickinson

Andrew Dickinson arrives as a Fellow of St Catherine's College and Professor of Law. Andrew studied law (MA and BCL) at St Edmund Hall in the 1990s under the guidance of Professors Adrian Briggs and Derrick Wyatt. After graduating, Andrew attended the College of Law in Chester before qualifying as a solicitor at Clifford Chance. Since 2011, he has been the Professor in Private International Law at the University of Sydney. He is a Visiting Fellow at the British Institute of International and Comparative Law and an Associated Fellow of the new Max Planck Institute for International, European and Regulatory Procedural Law in Luxembourg.

Andrew is one of the contributing editors of Dicey, Morris & Collins, *The Conflict of Laws* (15th edn, Sweet and Maxwell, 2012). His other publications include the first English language commentary on *The Rome II Regulation* (OUP, 2008), dealing with the law applicable to non-contractual obligations. Andrew will teach conflict of laws (BCL), Roman Law and tort law (BA).



James Goudkamp

James Goudkamp is joining Keble College as a Fellow and Tutor in Law. James holds undergraduate degrees in science and law from the University of Wollongong, and postgraduate degrees, including a doctorate, from Magdalen College, Oxford. He was previously an Associate Lecturer at the University of Wollongong (2004–2005), an Associate to the Hon Justice Michael Kirby AC CMG (2005–2006), a Lecturer at St Hilda's College (2008–2009), a Junior Research Fellow at Jesus College, Oxford (2008–2010) and a Fellow at Balliol College, Oxford (2011–2013). James holds or has held visiting positions at Harvard Law School, the National University of Singapore, the University of Western Australia, and the University of Wollongong. James's research interests lie primarily in private law, especially tort law. He has published around 40 articles, case notes and book chapters, and has written or edited several books including *Tort Law Defences* (Hart, 2013) and *Torts in Commercial Law* (Law Book Company, 2011).



Dr Kristin van Zwieten

Dr Kristin van Zwieten will join the Law Faculty in September 2013 as the Clifford Chance University Lecturer in Law and Finance and a Fellow of Harris Manchester College, following two years as a fellow of Trinity Hall, Cambridge. She obtained her LLB at the University of New South Wales, before going on to read for the BCL, MPhil in Law, and DPhil in Law at Oxford. Kristin's research interests are in corporate insolvency law, corporate finance law, banking law, law and finance, and law and development. Her doctoral project examined the development and operation of corporate insolvency law in India. Kristin has been a visiting scholar at Columbia Law School, and at the Asian Law Centre at Melbourne Law School. She has acted as a consultant for the World Bank. She previously qualified as a solicitor in an Australian corporate law firm.



Dr Dev Gangjee

Dr Dev Gangjee will be joining the Law Faculty in October 2013 as a University Lecturer in Intellectual Property and Fellow in Law at St Hilda's College. He graduated with a BA LLB (Hons) from the National Law School, Bangalore in 2000 and came to St Catherine's as a Rhodes Scholar to read for the BCL, MPhil and DPhil. Prior to his appointment at Oxford, Dev has been a Senior Lecturer at the LSE (2005–2013). His teaching and research interests lie primarily in intellectual property law, with additional interests in obligations and legal history.



Rachel Taylor

Rachel Taylor took her BA in Jurisprudence (Pembroke College, 1st) and BCL (St Catherine's, distinction) at Oxford. Following the BCL she was Pennington's Student in Law at Christ Church. After taking a career break to raise a family, she returned to the Oxford Law Faculty in 2011 as a Lecturer at Wadham College and then as Departmental Lecturer in Family Law. She teaches family law, constitutional law, administrative law and tort. Her primary research interests are broadly in the field of family law and children's rights. Her current research concerns the nature of religious identity and freedom within the family.



Dr Rodrigo Momberg

Dr Rodrigo Momberg Uribe graduated with a Bachelor's degree in Law with Honours from the Universidad Austral of Chile and afterwards he was admitted to the bar by the Supreme Court of Chile. Since then he has worked as an attorney at law and a legal adviser, mainly in civil and commercial law before the Chilean courts. In 2002 he received a Master of Laws in European Private Law from Utrecht University.

From 2002 onwards he has been an Assistant Professor at the Law Faculty of the Universidad Austral of Chile and from July 2005 until February 2008 he was appointed as Secretary General of the same university.

In 2007 he was awarded the Prince Bernhard Scholarship by the Spanish, Portuguese and Ibero-American Institute. In February 2008 he joined the Molengraaff Institute of Private Law at Utrecht University as a PhD researcher and in May 2011 he defended his doctoral thesis on 'The effect of a change of circumstances on the binding force of contracts'. In 2011 he received the first prize in the Clive M Schmitthoff Essay Competition, awarded by the Pace Law School's Institute of Commercial International Commercial Law together with Queen Mary University of London's Centre for Commercial Law Studies. Rodrigo has published in the field of consumer, contract and European private law.



Dr Martin Dawidowicz

Dr Martin Dawidowicz joined the Faculty in September 2013 as Departmental Lecturer in Public International Law, in association with Pembroke College. Martin studied law at the University of Stockholm before going on to read for the MJur at University College, Oxford. Following his studies at Oxford he completed his PhD at Trinity College, Cambridge, as a Gates Scholar, under the supervision of Professor James Crawford. Most recently, Martin worked for several years as an associate at Lalive in Geneva where he specialized in public international law and investment treaty arbitration. He has substantial experience of international proceedings, in cases before the International Court of Justice, ICSID and other arbitral institutions. Previously, he worked in the UN Office of Legal Affairs, and taught public international law on the Oxford Foreign Service Programme. Martin has published in several journals, including the *British Yearbook of International Law*. His monograph, *Third-Party Countermeasures in International Law*, is forthcoming with Cambridge University Press in 2014.



Caroline Schmidt

Caroline Schmidt is a DPhil candidate. Her doctoral research at the Oxford University Centre for the Environment looks at legal changes in Brazil and their implications for the implementation of a climate change mitigation option called Reducing Emissions from Deforestation and Forest Degradation (REDD+), which aims to foster international forestry carbon finance to tropical forest countries. She holds an LLM in International Commercial and Business Law from the University of East Anglia, LLM in Business Law and Fundamental Rights from the Pontifical Catholic University of Paraná, and MBA with emphasis on Finance from the Federal University of Paraná in Brazil. She earned her Bachelor in Law from the Pontifical Catholic University of Paraná. She is a qualified lawyer and a member of the Brazilian Bar Association.

She currently holds a Research Fellowship working with Professor John Armour and an international team of researchers on an ESRC-funded project, on law, development and finance in the 'rising powers' (Brazil, India, Russia, and China).



David Langlet

When not in Oxford, David Langlet is a reader in environmental law at the Law Faculty at Stockholm University, Sweden. His dissertation, defended in 2007, dealt with trade in hazardous substances from an environmental as well as a trade law perspective. He also takes a strong interest in EU environmental law and in energy and natural resources regulation. His teaching is mostly centred on environmental law and international economic law (predominantly trade law). He is married and has a two-year-old daughter. His whole family is very much looking forward to enjoying the academic and cultural amenities of Oxford.



Gustaf Sjöberg

Since October 2012 Associate Professor Dr Gustaf Sjöberg has been the first Stockholm Centre Oxford Fellow at the Faculty of Law. The programme is a cooperation between The Institute of European and Comparative Law and the Stockholm Centre for Commercial Law, Stockholm University. The programme is intended for younger academics and Gustaf is fairly new to academia after training as a judge and a career as a civil servant in Sweden. Much of his prior work has been on different aspects of financial legislation, including banking, life insurance and central banking, both in the capacity of preparing legislation and as an academic. He mixes academic work with more hands-on, official duties. Currently he is, among other things, a member of the Swedish Government's Financial Crisis Committee and a member of the board of the Swedish Financial Supervisory Authority. Gustaf has been working on a project regarding principles of banking legislation during his time at Oxford. Gustaf will go back to research and teaching at Stockholm University.

ARRIVALS...



Elizabeth Drummond

Elizabeth has been appointed as Career Development Fellow in Property Law (Trinity College). She studied law at Worcester College, Oxford, where she also read for the BCL. Having qualified as a solicitor, Elizabeth practised for three years before moving to the Law Commission as a team lawyer in the Property, Family and Trust Law team. Over the last five years Elizabeth has worked on the Law Commission's review of the law of intestacy and family provision claims on death; the projects leading to the enactment of the Perpetuities and Accumulations Act 2009 and the Trusts (Capital and Income) Act 2013; and other issues of trust, land and charity law reform. During this time she has also been teaching for various Oxford colleges.

Dr Gilles Giacca

Dr Gilles Giacca joined as a Research Fellow in February 2013. He is Co-ordinator of the Oxford Martin Programme on Human Rights for Future Generations as well as a Research Associate at the Oxford Institute for Ethics, Law and Armed Conflict. He holds an LLM from the University of Essex and a PhD in International Law from the University of Geneva and the Graduate Institute of International and Development Studies. His main research interests lie in the field of public international law, collective security, international humanitarian law, human rights law, refugee law as well as weapons law.



Barbara Havelková

Barbara Havelková is a University Lecturer at the Law Faculty and Tutorial Fellow in Law at Balliol College. Barbara completed her first degree in law at the Charles University in Prague and holds an LLM from Europa-Institut, Saarland University. She recently obtained a DPhil from Oxford for her research on 'Gender in law under and after State Socialism: the example of the Czech Republic'. Barbara was previously the Herchel Smith Temporary Lecturer and Fellow in Law at Emmanuel College, Cambridge, and the CSET Teaching Fellow in EU Law at the Oxford Law Faculty. Barbara worked for Clifford Chance, Prague, and trained at the Legal Service of the European Commission and in the Chambers of AG Póitares Maduro at the Court of Justice of the European Union. She visited several law schools as a guest researcher, including Harvard University and University of Michigan as a Fulbright scholar.



Geneviève Helleringer

Geneviève Helleringer (JD Columbia, Doct Sorbonne, MSc Essec Business School) is a fellow of St Catherine's College and joined the Institute of European and Comparative Law (IECL) from the University of Paris Panthéon-Sorbonne. Over the last three years Geneviève's research has focused on comparative contract law, pluralism, and European legal culture, contributing to the emerging academic study of European private law. This work has involved a study of the emerging common European contract culture and has provided evidence that contract clauses have a potential to serve as a *lingua communis* and to improve the way commercial and consumer contracts work. Geneviève has more recently engaged in an empirical study of private regulation of disputes. Her main focus is on the conflict of interests deriving therefrom, in commercial arbitration as well as corporate and financial market disputes. In this endeavour, she increasingly relies on findings from behavioural studies.



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Dominic Roser

Dominic Roser joined the Law Faculty in April 2013 as a Research Fellow for the Oxford Martin School's Programme on Human Rights for Future Generations. Previously, he was a post-doctorate at the Universities of Zurich and Graz. Dominic studied economics, philosophy, and politics at the University of Bern before moving on to Zurich for an interdisciplinary doctorate. His academic focus lies on all ethics of climate change and intergenerational justice. He will investigate these topics from a human rights perspective and examine how this perspective can handle contexts of great uncertainty, and what it has to contribute to discussions of second-best solutions in 'non-ideal' contexts.

Jaakko Kuosmanen

Jaakko Kuosmanen received his PhD at the University of Edinburgh in 2012. Previously he has lectured on human rights law, global justice, and just war theory, and has worked for the Office of the Commissioner for Human Rights at the Council of Europe. Jaakko's research focuses primarily on legal as well as philosophical dimensions of human rights. His current research interests include legal and normative challenges, socio-economic human rights, human rights budget analysis, and refugee protection.



The Honourable Justice Dyson Heydon AC appointed as Visiting Professor

The Law Faculty is pleased to announce that Dyson Heydon, formerly a Justice of the High Court of Australia, has been appointed as a Visiting Professor at Oxford commencing in 2013–2014. Dyson Heydon was a Vinerian Scholar at Oxford, a Fellow in Law at Keble College, and Dean and Professor of Law at Sydney before commencing his distinguished career at bar and bench. His scholarly work encompasses the law of trusts, evidence and torts, and he will be contributing advanced teaching in such areas at Oxford, notably in the BCL. Dyson Heydon has been an important presence in Oxford's intellectual life in recent years, and we are delighted now to welcome him back as a member of the Law Faculty.



Spotlight on the Administrative Team

I was delighted to be asked to write something for the *Law News*; it gives me an opportunity to thank everyone for the warm welcome and the great support I've had since my arrival last October. The Law Faculty is such an exciting place to work. So many things are changing and evolving, and the Faculty seems very open and receptive to new opportunities. I am certainly looking forward to supporting the Faculty through the next set of projects and challenges – including the 'Research Excellence Framework', (the British Government's research assessment programme), the refurbishment of the St Cross Building, continuing to work closely with our Centres, and enhancing the support provided to our contract research staff.

You may think you can guess what priorities were already firmly in place for the arrival of the new Head of Administration and Finance. Management? Budgets? Strategy? No ... it was coffee! I was delighted to find myself working somewhere that had got its priorities so right, and was able to pick up on the excellent work started by Karen Eveleigh to get The Missing Bean coffee shop established in the St Cross Common Room by Easter 2013. There have been other improvements in the building, too: a new electronic noticeboard was installed in the main foyer (thanks to Steve Allen and Bento De Sousa); and we have a new gallery of photographs of student year groups and former academic staff around

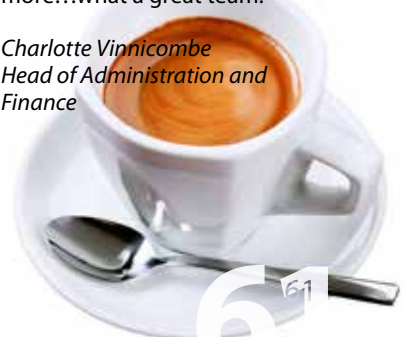
the Cube lecture theatre (thanks to Kate Whetter). For next year, in addition to the plans for a major refurbishment of another part of the St Cross Building, we have slightly more modest plans to give the Faculty website a facelift, and every hope that we will finally get planning permission for new signs on the outside of the building.

Last year in the *Law News*, we welcomed Tanya Baldwin, Juliet Bury, and Morag McCormick-Power to the Faculty, and this year we must say goodbye to them. Tanya has moved over to the Planning and Resource Section in central administration; Morag has gone back to her permanent post in the Social Sciences Division now that Paul Burns is back from secondment; and Juliet's stint as maternity cover for Emma Gascoigne finished in August. We are very grateful to each of these people, but must particularly thank Juliet, who as Personnel Officer has managed an exceptionally large workload this year, supporting an unprecedented number of appointments while also contending with a new (and not always well-behaved) computer system. I would also like to thank Karen Eveleigh, who was Acting Head of Administration before my arrival; she did an absolutely excellent job, and has been an invaluable source of support ever since. We have also said goodbye this year to Anne Currie (Careers, Alumni and Events for the Masters in Law and Finance) after she gained a much deserved promotion to the Blavatnik School of Government.

We are delighted to welcome Kirsten Yost as the Administrator for the Centre for Socio-Legal Studies, and Zoe Davis-Heaney as the Programme Administrator for the 'Human Rights for Future Generations' project, based at Pembroke College. We are also very pleased indeed to welcome Jenny Hassan to the St Cross Building, having been based for some years at All Souls. I am also pleased to report that the Faculty has supported the University Internship Programme by appointing three Oxford students as interns this summer: Maria Lacayo, Ashley Francis-Roy, and Samuel Lipetz-Robic.

Not only have the administrative staff worked tirelessly all year to support the Faculty; they have amazed me with a multitude of other interests and expertise. Incredible baking skills were put to use in a Faculty bake sale raising a fantastic £646 for Comic Relief. Among our administrative staff we have people who write novels, run marathons for charity, brew their own beer, bounce at nightclubs, run up and down mountains for pleasure, organize the World Pooh Sticks Championship tournament, dog-sit in Monaco, run toddler groups and much, much more... what a great team!

*Charlotte Vinnicombe
Head of Administration and Finance*





Professor Andrew Ashworth CBE QC FBA

Vinerian Professor of English Law, Faculty of Law, Fellow of All Souls College,
Member of the Centre for Criminology 1997–2013

In September 2013, Andrew Ashworth retires as Vinerian Professor of English Law. Andrew Ashworth became Vinerian Professor in 1997 following a very distinguished career at King's College London, Oxford, and Manchester Universities.

The Vinerian Professorship is one of the most prestigious chairs in English Law, held by distinguished lawyers such as Blackstone, Dicey, Holdsworth, Cheshire, Cross, and Treitel. Even among these legal luminaries, Andrew's scholarship stands out in its range, extent, and sophistication. His work spans criminal law, criminal justice, the criminal process, sentencing and human rights. He is the author of leading texts such as *Principles of Criminal Law*, *Sentencing and Criminal Justice*, *The Criminal Process*, *Human Rights and Criminal Justice*, as well as monographs, edited collections, and many articles and chapters – all of them major works.

One of Andrew's most enduring achievements has been to change the ways in which criminal lawyers and criminal justice scholars think about their subject by rendering normative considerations inseparable from analytical

inquiry. In appreciation of this important contribution, a collection of essays entitled *Principled Approaches to Criminal Law and Criminal Justice: Essays in Honour of Andrew Ashworth* (edited by Oxford colleagues Lucia Zedner and Julian Roberts for Oxford University Press) was published in late 2012. Last November, over a hundred colleagues and students gathered to celebrate the publication and to honour Andrew. The enormous regard in which Andrew is held no doubt stood behind the decision of attendees to fly in from countries across Europe, North America, and even from New Zealand.

Andrew has been described by *The Times* newspaper as 'Britain's most influential criminologist'. He is also its leading criminal lawyer and one of its most eminent scholars of sentencing, criminal justice, and human rights. As the former long-term Editor of the *Criminal Law Review* and as a tireless promoter of criminal justice reform, above all in respect of sentencing, he has done much to promote liberal values and penal restraint. Andrew also enjoys a considerable international reputation: just one illustration of which was his election

as the first President of the Association of Commonwealth Criminal Lawyers in 2011.

In Oxford, Andrew has been an extremely important player in the Law Faculty: as a co-founder of the MSc in Criminology and Criminal Justice, serving twice as Acting Director of the Centre for Criminology, as an influential teacher of undergraduate and graduate law students, and as supervisor and mentor of generations of legal scholars.

This most prolific of academics is a paragon of organization and self-discipline, with the result that he finds plenty of time for his family, not least his grandchildren; he enjoys bridge, running, swimming, classical music, and travel. Although Andrew has retired from the Vinerian Professorship, we are delighted that he will continue for a time as a Research Professor. We hope that his new life-work balance will allow him to maintain his singularly important contributions to criminal law, criminal justice, and human rights.

Professor Lucia Zedner



Professor Nicola Lacey

Senior Research Fellow at All Souls, 2010-2013

After only three years in Oxford, Professor Nicola Lacey has been lured back to the London School of Economics as one of a new cadre of School Professors. In those three years Niki Lacey made a great impression here.

Although her appointment was a research fellowship at All Souls College rather than a teaching post in the Faculty, she soon became involved in undergraduate lectures on the Criminology and Criminal Justice course, in BCL teaching (Punishment, Security and the State), in research supervision, and in the examining of research degrees. More broadly, she made her presence felt in the Faculty through her involvement in scholarly exchanges in Legal Philosophy and in Criminology, and she became the convenor and a regular attendee at the Criminal Law Discussion Group. These frequent contacts with students and

colleagues were characterized by her gracious, constructive and informal approach to scholarly debate, and informed always by her wide interests in social, economic and political theory, philosophy and more. Much of her work is inter-disciplinary, her research with the philosopher-psychologist Dr Hanna Pickard (see (2013) 33 OJLS 1) being a fine example. Niki Lacey has been much in demand as a speaker both in Oxford and far, far beyond; indeed in December 2011 she was awarded the Hans Sigrist Prize by the University of Bern. Those many of us who find inspiration in her work will continue to look out for her publications, and will hope that she will accept invitations to come back along the M40 as frequently as she can manage.

Professor Andrew Ashworth



Professor Mark Freedland

Emeritus Professor of Employment Law, Tutor in Law, St John's College

Mark Freedland retired last September from being Professor of Employment Law and Fellow and Tutor in law at St John's after over 40 years of service. Mark came to Oxford from UCL, where he had taken his LLB, to work for a doctorate under the late Professor Sir Otto Kahn-Freund, then Professor of Comparative Law and the doyen of UK labour law studies as well as a leading comparative lawyer.

Over the ensuing years here, Mark has taught many generations of undergraduates (including the present writer!) and graduates over a range of subjects, but he has been particularly active in the area of labour law, to which his contribution has been enormous, both in terms of teaching and research. First with Sir Otto and then with Paul Davies and other colleagues, he has been instrumental in designing and teaching a series of innovative courses on labour law/employment law as FHS options and for the BCL/MJur. He has won the admiration and affection of many research students, who have appreciated his insights into, and support for, their work.

Mark's own research has flourished and blossomed, with a string of major works, some independent and some collaborative, some historical and some comparative. In the area of employment law, I should mention in particular his trilogy on the nature of the employment relationship (*The Contract of Employment* (1976), *The Personal Employment Contract* (2003), and *The Legal Construction of Personal Work Relations* (2011)), and his joint books on the

development of labour law legislation and policy with Paul Davies (*Labour Legislation and Public Policy* (1993) and *Towards a Flexible Labour Market* (2007)). He has also made important contributions to scholarship in public law, its relationship to private law and the impact of EU law on employment law and public services. Mark's research has been widely discussed and widely recognised; he has been elected Fellow of the British Academy, Bencher of Gray's Inn and Honorary Professor at UCL, appointed honorary Queen's Counsel and awarded an honorary doctorate from the University of Paris II.

Mark has combined his prolific research output with an enthusiastic commitment to tutorial teaching, to his pupils more generally and to his college, where he has held a number of major offices (including Senior Dean for 17 years) and where he has acted as wise adviser to successive presidents and many colleagues. He has also held major Faculty office, acting, inter alia, as Director of Graduate Studies and Director of the Institute of European and Comparative Law. To all his work, he has brought a quiet charm and great willingness to make things work efficiently and happily. Mark has been a delightful colleague and friend to many of us in College and in the Law Faculty – which makes it particularly fortunate that we can enjoy his company and the fruit of his reflections as he continues as an Emeritus Research Fellow of St John's!

Professor Simon Whittaker



Ronald Dworkin

Professor Ronald Dworkin died in London on 14 February 2013. Professor Dworkin was 81 years old, and is survived by his wife Irene Brendel Dworkin, his children Anthony and Jennifer Dworkin, and two grandchildren.

During his tenure of the Professorship of Jurisprudence in Oxford from 1969 to 1998, Professor Dworkin wrote *Taking Rights Seriously* (1977), *A Matter of Principle* (1985), *Law's Empire* (1986), and *Freedom's Law: The Moral Reading of the American Constitution* (1996). These works display the most extraordinary gifts of intellectual flair and argumentative energy, which Professor Dworkin brought to bear on the most difficult and important issues of legal and political philosophy. Those gifts were familiar to generations of Oxford students, who benefited from his brilliant lectures and seminars. His work has created new challenges and new possibilities for his students and colleagues.

John Gardner, today's Professor of Jurisprudence, writes: 'There are several contenders for the title of greatest philosopher of law of the late twentieth century. But nobody rivals Ronald Dworkin for the titles of most innovative and most provocative. Agree or disagree, Dworkin's work was impossible to ignore. He always made the most startling challenges to received wisdom, and permanently changed the way we look at many ancient problems. In oral argument he was unrivalled, outwitting his opponents with what looked like consummate ease, and always flawlessly elegant in presentation. On top of all that he was terrific company. The loss of Ronnie takes a bit of the sparkle out of life as a philosopher of law. Fortunately, his legacy includes a great deal of sparkling prose by which we, and generations after us, can still know his towering and magical intellect.'



Professor Dr Hannes Unberath

We were grieved to learn of the death of Professor Dr Hannes Unberath, who died from cancer on 28 January 2013. Professor Dr Hannes Unberath read law at Oxford as a Rhodes Scholar at Worcester College in 1997.

During his time at Oxford, Professor Dr Unberath was awarded the MJur and DPhil in Law and received several academic prizes. He went on to become research assistant at the Institute of International Law at the Ludwig Maximilian University of Munich and was subsequently a Visiting Fellow at University College, London and Professor of Civil Law at the Friedrich Schiller University of Jena. Since September 2009, he was Professor of Civil Law and Civil Procedure Law at the University of Bayreuth. Professor Dr Unberath had retained close connections with Rhodes House since his time in Oxford and was German National Secretary to the Rhodes Trust.

Justice Sir Robert Chambers

We were greatly saddened to record the death of Justice Sir Robert Chambers who died on 21 May 2013 at the age of 59.

Justice Chambers graduated from the University of Auckland with a Bachelor of Laws in 1975, before coming to Oxford where he took his DPhil in Law at New College, graduating in 1978. He returned to his native New Zealand where he lectured at the Auckland Law School and started his career at the Bar. He was appointed Queen's Counsel in 1992. He became a Judge of the High Court in 1999 and a Judge of the Court of Appeal in 2004. Justice Chambers was appointed to the Supreme Court in December 2011.

Andrew Stockley, Dean of the Auckland Law School writes: 'New Zealand has lost an outstanding jurist who had much more to contribute. Sir Robert Chambers had only recently been appointed to New Zealand's highest court and his death is an immense loss to the judiciary and legal profession. Throughout his career Justice Chambers made a valuable contribution to legal writing, contributing chapters to *Salmond and Heuston on the Law of Torts* and to the *Law of Torts in New Zealand*. He was a great friend of the Auckland Law School and retained considerable affection for Oxford. He was the first person to donate to the FMB Reynolds Scholarship, recently established to help fund a New Zealand law student undertake postgraduate study in Oxford.'



Ben Ogden

The days following the Kathmandu air disaster were filled with fear, then disbelief, and soon an incredible sadness that our friend and fellow student Ben had died. Throughout his years at Oxford, he had been unique in his combination of hard work and hard play, paired with a warm, genuine openness towards everything and everyone.

I first met Ben when we served together as Law Faculty student representatives, and immediately warmed to him – as did everyone whose path he crossed. Always upbeat and enthusiastic, he managed to lighten many a difficult or stressful situation with a choice quote or wise insight. ‘Right, which paper are we meant to do today, then?’, as we filed into Schools on the first day of FHS. ‘We can always defect to Cambridge!’, in response to a journal project that had just been voted down.

Ben’s primary duty on the LJCC was to organize the annual Open Days in March; a task he threw himself into with characteristic gusto. He deeply cared about others – whether they were old friends or sixth-formers wanting to get an insight into Oxford Law. Ben could connect and get along with everyone – even across the most surprising cultural boundaries. I distinctly remember turning up in Regensburg during our year abroad, only to find Ben bantering away in solid Bavarian at the local Stammtisch.

An excellent lawyer he was, too, as I soon discovered when we convinced our respective college tutors to let us pair up for labour law tutorials. His sharp thinking, clever wit and occasional knowledge of a finer point of the Employment Rights Act 1996 led to animated discussions, which frequently continued over a ‘cheeky pint’ or two, long after Alan Bogg had finally managed to turf us out of his study.

With Ben, the Oxford Law Faculty has lost not only one of our future star graduates, but much more importantly a caring and loyal friend, with an infectious enthusiasm, and yes, of course, that trademark cheeky grin.

Jeremias Prassl

Ben Ogden joined Hertford College to read Law with Studies in Europe in 2004 following a gap year after his sixth form studies at the Royal Latin School, Buckingham.

From the outset, Ben stood out as a warm, funny, and utterly charming young man. Very early on Ben revealed his trademark cheeky chap grin, which is one of our abiding memories of him. Tutorials were characterized by laughter and a fair amount of legal insight. On occasion, the latter quality sometimes dropped

away. One of his tutors remembers well the opening tutorial in criminal law when Ben argued for 40 minutes that *R v G* had not in fact overruled *R v Caldwell*. It could have been a revolutionary insight. For a moment, the tutor’s heart missed a beat. Then, with a cheeky grin, Ben admitted to having given up reading the decision half way through when he thought he had got the gist of it!

His sense of fun was infectious. One of his tutors recalls how, on returning from his year abroad, Ben decided it was a good idea for him and his tutorial partner, Tim, to attend their first tutorial on European Union law wearing lederhosen. Apparently, this was to illustrate their enthusiasm for European law and all things European and it did help to make discussions of subsidiarity and the competences of the European Union more interesting! He is responsible for initiating the tradition, carried on to this day, of wearing fancy dress for Schools Dinner, with the flexible theme of a favourite case, statute, or legal personality.

At Hertford Ben was an excellent lawyer, a fantastic citizen, and ambassador for the college. He took a full and active part in the social, cultural, and sporting life of the college. He helped out at open days, seemed to be a member of every sports team he could join, and returned to the college for career’s events and dinners while completing his training contract. He was a much-loved member of our community – perhaps the only law student to have a full-page article in *Simpkins* (the student-authored college magazine) focusing on his rightful claim to be a ‘Hertford Legend’. He was also immensely caring and generous, always disposed to help others who were experiencing difficulties – be it through offering support and advice to the other law students, or defending friends finding themselves wrongfully accused of misconduct. He did everything with a warm and open heart. Ben finished with an excellent degree, and went on to work for Allen and Overy. He had just completed his training and was due to commence his professional life as an employment lawyer. Ben was taken from us too soon. For us at Hertford, he will never be forgotten. Not least his cheeky grin.

Alan Bogg and Alison Young





Australia Events

In March, Angus Johnston, Tutorial Fellow in Law at University College, gave talks in Melbourne and Sydney to alumni on “The EU’s Emissions Trading System: Some Lessons and Prospects”.

He outlined some of the experience gained to date under the EU system (the EU ETS), and highlighted some of the difficulties encountered and the techniques used to address them. He also explained some of the ongoing challenges, in particular with regard to oversupply of allowances under the EU ETS, its impact upon the carbon price and the consequences of this for emissions reductions, investment, and technological development. Given that the current Australian scheme is in the process of being linked explicitly to the EU ETS, Angus also covered some of the likely implications of this proposal, and how various EU changes might have an impact upon the operation and development of the Australian scheme.

These events were organized by University College, and sincere thanks are due to Herbert Smith Freehills (who hosted the Melbourne lecture), the Grattan Institute – especially John Daley (University College, 1995) and Angela Henderson – who made many of the arrangements in Melbourne, Sarah Strasser (University College, 1991), and Rawdon Dalrymple (University College, 1952) for their efforts in arranging the event and venue in Sydney, and Julie Monahan of University College for co-ordinating the whole visit. A range of Oxford alumni attended both events and lively discussions ensued on the topic of the lecture, as well as concerning Oxford more generally.



Vancouver Tea Party

In conjunction with the University’s North American reception in Vancouver on 18 March 2013, the Law Faculty hosted a tea party for Law alumni.

Dr Dan Awrey, University Lecturer in Law and Finance, spoke on current developments in the Law Faculty including the MSc in Law & Finance and the appointment of Catherine Redgwell as the new Chichele Professor of Public International Law. As always with Law alumni gatherings, the event brought together alumni who studied law, as well as those who read another subject in Oxford and went on to practise law.



Singapore Event

On a sunny summer evening in June, Oxford Law alumni gathered at Freshfields Bruckhaus Deringer in their new Singapore offices for an Alumni Lecture.

Professor Timothy Endicott began the formal part of the evening with an update on legal education in Oxford. He highlighted the strong tradition of Oxford educating Singaporean undergraduates, noting that 61 students are currently enrolled in Oxford Law. He then introduced Mindy Chen-Wishart who gave a lecture on “Transplanting Western Law into a Confucian Society”. With many of her former students in the audience, the discussion that followed took on the atmosphere of a lively seminar.

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Right: Geoffrey Hobbs QC speaking at the IP Diploma Reception. Far-right, top and bottom: Guests at the Reception.



MLF Alumni event at Hogan Lovells.



This column from top: Alumni in Madrid (l-r): John Howard, Margarida Lima Rego, Sharon Jacobs, Dr Jan Königshaus, Dr Claus Moesle, Mojmir Ostermann, Peter and Marcia Grose, Massimo Caruso and Juan Bonilla; (middle, l-r): Lucas Gerey, Massimo Caruso, Dr Claus Moesle, Juan Bonilla, Dr Bernd Moesle; (bottom): The Royal Palace.

Alumni Meet in Madrid

Just before the Oxford European Alumni reception on 26 April 2013, law alumni from Brussels, Portugal, Spain, Italy, Germany, Switzerland, Croatia, and the UK came together to share stories of their time in Oxford. Hosted by Linklaters in their new Madrid offices, members of the international legal profession, including managing associates, academics, chief legal counsels, consultants, and healthcare advisors, met to learn about developments in Oxford Law.

Masters in Law and Finance Reunion

The alumni reunion of the Masters in Law and Finance programme (MLF) was held on 15 March at the offices of Hogan Lovells in London. The event was attended by 50 past and present students on the MLF together with John Armour, Hogan Lovells Professor of Law and Finance and members of the MLF Advisory Board. In addition, this year a number of prospective MLF students for 2013–2014 attended.

The MLF is a nine-month full-time postgraduate course taught jointly by the Law Faculty and the Saïd Business School, which offers students with a background in law the chance to develop an advanced interdisciplinary understanding of issues at the intersection of law and finance.

MLF graduates have gone on to pursue careers throughout the world at leading international law firms, and in corporate finance, financial regulation, and the judiciary.

Oxford Diploma in Intellectual Property Law and Practice Reception

The Law Faculty hosted its annual Diploma in Intellectual Property Law & Practice Alumni Reception at the Royal Society in London on 25 February. The event, attended by about 60 Diploma alumni and tutors, featured a fascinating talk by Geoffrey Hobbs QC (One Essex Court) on trade mark cases before the European Court of Justice.

The Diploma in Intellectual Property Law and Practice is taught jointly by senior Oxford academics and senior practitioners from law firms and chambers. It provides a top quality vocational experience for newly qualified solicitors and barristers embarking on a career in intellectual property law.



Lord Hoffmann Addresses Oxford Alumni in Toronto

On 13 November 2012 Lord Hoffmann spoke at a reception in Toronto, hosted by Sir Ivor Crewe, the Master of University College, and Simon Chester (University College, 1968), and attended by over 70 lawyers.

Lord Hoffmann spoke in typically witty and spirited fashion on "Tort Liability of Public Authorities in Canada and the UK", defending the House of Lords' departure from *Anns v Merton London Borough Council* [1978] AC 728, in *Murphy v Brentwood District Council* [1991] 1 AC 398, and questioning why Canada's courts had clung so long to the rejected *Anns* orthodoxy.

Among the audience were former Justice Michel Bastarache of the Supreme Court of Canada, Associate Chief Justice John Morden, former Justice Maurice Cullity (Wadham, 1958), former Justice James Farley (Oriell, 1962), the Treasurer of the Law Society of Upper Canada, Thomas Conway, the President of King's College in Nova Scotia, George Cooper (University College, 1965), the President of the Advocates Society, Peter Griffin and the former President of the Commonwealth Lawyers Association, Graeme Mew.

Clockwise from left: Lord Hoffmann speaking in Toronto; Justice Patrick A Keane; Ramin Gohari.

Oxford Graduate Wins World Competition Young Writer's Award

Ramin Gohari, an Oxford graduate (Lincoln), has been awarded the World Competition Young Writer's Award for his article 'Margin Squeeze in the Telecommunications Sector: A More Economics-based Approach'.

Ramin Gohari studied for the MJur in 2011 and wrote his dissertation under the supervision of Professor Ariel Ezrachi. He is now studying for his DPhil at the University of Fribourg in Switzerland.

Justice Keane to Join the High Court of Australia

The Honourable Justice Patrick A Keane has been appointed to the High Court of Australia. Chief Justice Keane was a graduate law student at Magdalen College and was awarded the Vinerian Scholarship for the best performance in the Bachelor of Civil Law in 1977.

He was formerly a judge of the Queensland Court of Appeal, and also served as Solicitor-General for Queensland.

Justice Keane will take the High Court place vacated by the Hon Justice J Dyson Heydon, who was also a Vinerian Scholar at Oxford, and who will retire from the Court in March 2013 after a distinguished career as a judge and advocate, as well as playing a powerful role as a legal scholar in Oxford and in Australia.

The Hon Justice Glazebrook Appointed to New Zealand's Supreme Court

Justice Susan Glazebrook was appointed to the New Zealand Supreme Court in 2012. Justice Glazebrook took her DPhil in French Legal History at Oxford.

Before being appointed to the New Zealand High Court in 2000, she was a partner in law firm Simpson Grierson and a member of various commercial boards and government advisory committees. She served as President of the Inter-Pacific Bar Association in 1998. She was appointed to the Supreme Court on 6 August 2012.

The Hon Mr Justice Aarif Tyebjee Barma Appointed to the Court of Appeal

The Hon Mr Justice Aarif Tyebjee Barma was appointed as Justice of Appeal of the Court of Appeal of the High Court of Hong Kong on 28 November 2012.

Justice Barma studied law at Oxford as an undergraduate and went on to take the BCL, graduating in 1982. He was called to the Bar in Hong Kong and the Bar in England and Wales (Middle Temple), both in 1983. In 2003, he was appointed as Judge of the Court of First Instance of the High Court. After his appointment to the Court of Appeal, Mr Justice Barma will continue to be the judge in charge of the Admiralty List of the High Court until further notice.

Sir Jack Beatson Appointed as Lord Justice of Appeal

The Rt Hon Lord Justice Beatson was a member of the Oxford Law Faculty from 1973 to 1989 and is an Honorary Fellow of Brasenose and Merton Colleges.

Sir Jack went on to be Rouse Ball Professor of English Law at Cambridge between 1994 and 2003. He was appointed to the High Court in 2003 and was appointed as Lord Justice of Appeal in October 2012.

Dates for your Diaries

February 2014

Women in Law

In celebration of the 40th Anniversary of Co-education at five colleges in 2014 (Jesus, Brasenose, Hertford, St Catz, Wadham), Hogan Lovells LLP will host a Women in Law event in their London offices (run by Wadham college) on **6 February 2014**. The Vice Chancellor and the Dean of Law will both be attending.

March 2014

Meeting Minds Alumni Weekend

Hong Kong,
21–23 March 2014

April 2014

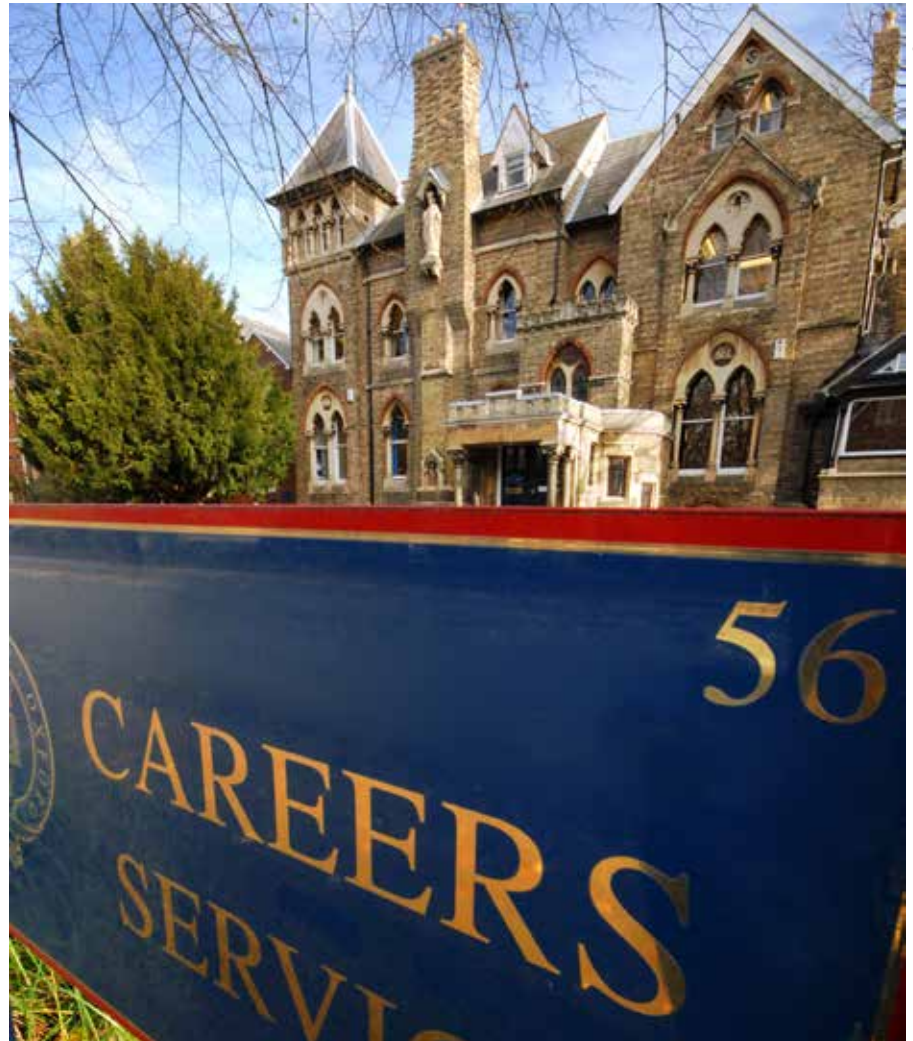
Meeting Minds Alumni Weekend

North America,
11–12 April 2014

The Legacy of Lord Hoffmann

On **25 & 26 April 2014**, the Oxford Law Faculty will host a two-day conference on The Legacy of Lord Hoffmann, featuring 20 faculty members (ie Lord Hoffmann's current colleagues) speaking about the impact and legacy of his major speeches on particular areas of the law. An edited version of the proceedings will be published as a book by Hart Publishing. For more information please contact Paul S Davies or Justine Pila.

The Oxford Careers Network



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Supporting Students with their Legal Careers

What to do when you leave Oxford has always been an important decision to make, but never more so than today when students are also faced with an extremely challenging labour market. The path to securing a job is laden with hurdles even for Oxford's bright and able students, as employers create ever more complex hiring processes – lengthy application forms, psychometric tests, assessment centres, rounds of interviews, case studies and more.

Over the last few years, the Law Faculty and the University Careers Service have been working closely together to ensure that our students are well informed about their possible career choices, and that they are supported throughout the whole process of finding a job. One way we do this is through the Oxford Careers Network (OCN), a database of Oxford alumni who are willing to provide information about their career paths and answer students' questions about their job via our website's email system. Allowing a student to contact an Oxford graduate at the click of a button, the OCN is an invaluable resource for students to check out the realities of their dream job, to find tips for applications

or interviews, or simply to confirm that their future career path is possible and has already been plied.

If you would like to join the Oxford Careers Network and help a student who is in the same situation that you were once in, please visit the careers service website: careers.ox.ac.uk/alumni-engagement.

If you would like to contribute in other ways to legal careers activities in Oxford, we would be delighted to hear from you. Some of the areas that alumni get involved in are as speakers for legal occupational talks, through offering mock interviews and internships, or delivering relevant skills sessions. Please contact our Legal Careers Adviser, Juliet Tomlinson (juliet.tomlinson@careers.ox.ac.uk), if you might like to get involved at some point in the future.

Alternatively, if you are an employer looking to hire an Oxford graduate, then there are many ways we can also help you. So please get in touch with our Employer Relations Team at the Careers Service (recruiters@careers.ox.ac.uk) who will be able to assist.

Your support helps our students tremendously, thank you.

Staying Connected



The Oxford Law Faculty has a presence on Facebook, Twitter and LinkedIn. Follow us, link to us and join the conversation!

Like the new Oxford Law Faculty Facebook page to receive periodic news about the Law Faculty and Faculty members.

[www.facebook.com/
OxfordLawFaculty](http://www.facebook.com/OxfordLawFaculty)

Follow Oxford Law Faculty news and updates on Twitter.

twitter.com/OxfordLawFac

Link to our official Oxford Law Alumni group for networking with fellow alumni.

[www.linkedin.com/groups/
Oxford-University-Lawyers](http://www.linkedin.com/groups/Oxford-University-Lawyers)



Oxford Silks 2013

The Law Faculty congratulates the Oxford alumni who were appointed QCs this year.

Jonathan Adkin
Lady Camilla Bingham
David Blayney
Christopher Boyle
Martin Chamberlain
Michael Collett
Jason Coppel
Hugh Davies OBE
Jasbir Dhillon
Charles Dougherty
Nigel Eaton
Danny Friedman
Jonathan Glasson
Jeremy Goldring
Caroline Harrison
Sally Hatfield
John Hayes
Michael Hayton
Stephen Houseman
John R W D Jones
Roger Masefield
James Maurici
Anthony Metzger
James Potts
Karl Rowley
Justin Rushbrooke
Jessica Simor
Kassie Smith
James Strachan
Geraint Webb

And at the Scottish Bar

Andrew Bowen
Anna Poole

BENEFACTORS

Breakthroughs in Funding for Oxford Law



Chair in Tax Law

From September 2013, the statutory Chair in Tax Law will be known as the Pinsent Masons Chair, acknowledging the valuable support of international law firm Pinsent Masons. It was back in 2004 that McGrigors partners established funding first for a Career Development Fellowship, and then for the University Lecturership now held by Dr Glen Loutzenhiser. Following McGrigors' merger with Pinsent Masons, the new firm has further increased its support for Law in Oxford, by funding the Chair in Tax Law, held by Professor Judith Freedman CBE.

Funding from Pinsent Masons has made it possible to expand tax teaching in Oxford to comprise two BCL/MJur/MLF courses, teaching on the MLF corporate transactions course, a full undergraduate option and a tax module on Justice and Taxation within the Jurisprudence course. Pinsent Masons also supports the UNIQ Summer School.

David Ryan, Managing Partner of Pinsent Masons, said: "We have much in common with Oxford, in particular given our international focus in Asia, where the Law Faculty has also developed very strong relationships. Our mutual commitment to diversity and our hugely successful joint venture through UNIQ - to both of which Judith Freedman makes a substantial contribution - provide an added incentive to work together."

James Bullock, Head of Litigation & Compliance at Pinsent Masons added: "Having been involved in the original funding by McGrigors in 2004, I am delighted that Dr Glen Loutzenhiser will continue to work alongside Judith, enabling the teaching of tax to thrive at Oxford - both at the University's Faculty of Law and Centre for Business Taxation."

Timothy Endicott, Dean of the Faculty of Law, said: "McGrigors played a crucial role in developing the study of tax in the University, and we are delighted that Pinsent Masons has not only sustained but increased that strategic investment. We are putting the problems of tax law where they belong - at the centre of legal studies. The firm's support has enabled us to build a leading group of tax law scholars, whose work is integrated with our Law and Finance programme, and with the Centre for Business Taxation in the Business School. This is a major step forward for the Law Faculty."

Freshfields: Funding the Chair in Commercial Law

Freshfields, a major benefactor of the Law Faculty for many years, has agreed to provide the University with funding for the new Chair in Commercial Law. This new funding reaffirms Freshfields' unique relationship with Oxford Law. Maureen O'Neill, Director of Development:

'Freshfields has always been a generous friend to

the Oxford Law Faculty. The funding of the Freshfields Chair of Commercial Law, an accompanying Freshfields graduate scholarship and their continued donation to the Freshfields IT room in the Bodleian Law Library, all ensure excellence in our academics, our students and our research. We are very grateful for their magnificent support.'



Linklaters

Chair in Comparative Law

The Professorship of Comparative Law, held by Professor Stefan Vogenauer, Director of the Institute of European and Comparative Law, has become the Linklaters Professorship of Comparative Law. The Professorship, which is attached to Brasenose College, has been named after the firm in recognition of Linklaters' support for Law in Oxford. This chair, one of the longest-established in the Faculty, was previously held by Professors FH Lawson, Otto Kahn-Freund, Barry Nicholas, and Bernard Rudden.

Maureen O'Neill, the Law Faculty's Director of Development said: 'Support from the legal profession has been essential in the developments that have made Oxford a leading law school. With their funding of the Linklaters Chair, they are providing the resource that allows us to thrive in a difficult environment and to innovate. Linklaters have invested in our continued pursuit of excellence.'

Stefan Vogenauer has been Professor of Comparative Law and Fellow of Brasenose College since 2003. He has been Director of the Institute of European and Comparative Law (IECL) since 2004. Prior to his appointment in Oxford he was a Senior Research Fellow at the Max Planck Institute for Comparative and International Private Law in Hamburg. He has taught and held positions in Australia, France, Germany, South Africa, and the US. His research interests are in comparative law, European legal history, private law, international uniform law, and legal method. Professor Vogenauer was awarded a Humboldt Award in 2012 'in recognition of his lifetime achievements in research'.

White & Case Lecture Room

White & Case have become the newest donors to the Law Faculty through a generous donation in support of the Law Faculty's initiatives to enhance the teaching of undergraduate students. In recognition of their generosity, the former Lecture Room 1 in the St Cross Building has been renamed the White & Case Lecture Room. Students will partake of lectures and seminars including Corporate Insolvency, Commercial Law, Company Law, Criminology, Public International Law and Family Law in the newly named White & Case Lecture Room this Michaelmas term.

Clifford Chance UL in Law and Finance

A strong relationship exists between Clifford Chance and the University of Oxford which has developed through a portfolio of mutual interest activities. Over the past 12 years this relationship has, in particular, been sustained and developed through joint activities undertaken by the Law Faculty and the Saïd Business School. Most recently, Clifford Chance has funded the Clifford Chance University Lecturer in Law and Finance, with Dr Kristin van Zwieten (p58) being the first to take up this post.



In 2008, the University of Oxford launched the biggest fundraising campaign in European history, aiming to raise a minimum of £1.25 billion. We passed this initial target in March 2012 and the collegiate University has now set a new target of £3 billion – representing, in the words of our Vice-Chancellor, Professor Andrew Hamilton, **‘the essential down payment on the future aspirations and achievements of our University’**.

Each gift to Oxford counts as progress towards the Oxford Thinking Campaign, including those made to the Faculty of Law.

The goals of the Campaign are to support the very best students, invest in our academic staff and their work, and provide new resources and infrastructure. There is still much to do, and the University and colleges rely on generous donations such as those detailed in this issue. All donations make a significant difference, whether it’s a regular commitment from an alumnus or a major gift from a high-profile philanthropist or institution. **The future of the University depends on it.**

www.campaign.ox.ac.uk





Benefactors 2012–2013

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