Dean’s Letter

As I write this letter, the academic year is drawing to a close. The highlight of our social calendar, the Faculty of Law Feast, has taken place, and most of our students, both undergraduate and postgraduate, have received their degree results. I hope our students are looking back with a sense of great pride in their achievements: new subjects learned, skills honed, lasting friendships and memories made. Colleagues’ thoughts are no doubt turning towards a well-earned summer break and more time to pursue their own research and writing.

This year has been the first year of our new part-time MSc in Taxation. This is an exciting joint venture between the Law Faculty and the Centre for Business Taxation at the Said Business School, offering students an interdisciplinary education in tax law and broader questions of tax policy. The course has attracted a first cohort of students from a range of different countries, academic disciplines and career stages, and it is a welcome new addition to our portfolio of postgraduate degrees.

I have particularly enjoyed the chance to meet some of our alumni at receptions in Berlin, Hong Kong, Singapore, Toronto and Oxford this year, and to hear your stories about your time at Oxford. Although today’s students generally have keys, and will therefore sadly be deprived of the opportunity to reminisce about climbing over walls to get back into their colleges late at night, I find that alumni of all generations have fond memories of a particular tutor who inspired or challenged them, or sent their career in an unexpected but fruitful direction. I love hearing these memories, and I am often reminded of the debt of gratitude I owe to my own tutors at Lincoln, who encouraged my efforts, supported my growth, and I am often reminded of the debt of gratitude I owe to my own tutors at Lincoln, who encouraged my efforts, supported my growth, and helped me to develop a career I love. I hope our students will be inspired to apply to read Law at Oxford in due course.

At the same time, though, we are always looking forward. This week is one of two weeks during which we host a UNIQ summer school, giving Year 12 school students who meet particular academic and socio-economic criteria an opportunity to spend a week in Oxford, experiencing lectures and tutorials and, of course, the chance to stay in a college. We hope that some of these students will be inspired to apply to read Law at Oxford in due course.

This edition of Oxford Law News gives a flavour of the wide range of activities that have taken place in the Faculty over the past year. We are particularly pleased with the latest round of renovations of the St Cross Building. These have been carried out with great sensitivity to the building’s status as a notable example of 1960s architecture, whilst making it much more user-friendly with more efficient use of space. The Institute for European and Comparative Law and the Centre for Criminology now have light-filled and welcoming offices at the heart of the St Cross Building. These have been carried out with great sensitivity to the building’s status as a notable example of 1960s architecture, whilst making it much more user-friendly with more efficient use of space. The Institute for European and Comparative Law and the Centre for Criminology now have light-filled and welcoming offices at the heart of the St Cross Building.

Another notable achievement has been our Athena SWAN bronze award, which recognises our commitment to promote gender equality among staff and students in our Faculty. This is an award for UK higher education institutions and departments and was initially created to encourage gender equality initiatives in science departments, but it has now been opened up to humanities and social sciences departments as well.

Of course, we recognise that there is much work still to be done to maintain and improve our record on gender equality initiatives. But the award is a good start.

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Dean’s Letter

Anne Davies
July 2017
Putting Disability on the Map:
Marie Tidball talks about the importance of including diversity in the curriculum at Oxford Law

Dr Marie Tidball, co-founder of the Oxford University Disability Law and Policy Project, is one of twenty subjects featured in the University’s Diversifying Portraits project, in recognition for her work on the importance of the greater inclusion of disability in teaching and research at Oxford.

Sitters for the project were selected from over a hundred nominations of living Oxonians, made by staff and students at the University. The new portraits will be shown at an exhibition in Oxford later this year.

Marie is a research associate in Oxford’s Centre for Criminology and a disability rights campaigner, and was painted by Clementine St John Webster. On being nominated she said:

‘Rendering diversity to be more visible in the places and spaces of Oxford reinforces the importance of its more central role in the University’s intellectual life. I was very moved to have been nominated, and delighted the University has recognised the importance of the greater inclusion of disability in teaching and research at Oxford.

Marie Tidball talks about the importance of including diversity in the curriculum at Oxford Law

Describing what motivated her to start the Oxford University Disability Law and Policy Project and what she was most proud of, Marie said:

‘Embedding an inclusive approach to disability equality at the University is not only about raising disability awareness and improving access to University services; it involves using the University’s intellectual resources to consider, research and discuss the myriad of intersecting issues relating to disability in its academic teaching and publications. Yet disability has, largely, remained at the peripheries of the taught course syllabi and academic research within the Social Science Division here. This is not so at other world-class Universities, where the issues that affect this group of people and the way the concept of disability is constructed has led to a rich seam of academic teaching and research pursued in the discipline of Disability Studies.’

‘When I finished my doctorate, I wanted to build on the intellectual work I had done in my thesis, to develop a disability perspective in criminology, and the achievements of the “Let’s Get Disability on the List!” campaign. Establishing the Oxford University Disability Law and Policy Project seemed the best way to develop this work and provides an exciting opportunity for the University of Oxford to show leadership on curriculum diversity in relation to disability.’

‘I think I’m still the most proud of the Herbert Smith Freehills Oxford Disability Mooting Championship, which I set up in 2014 with other law graduates. It is Oxford’s first mooting competition to focus on the intellectually interesting ways in which disability intersects with law. I can’t believe we are now entering the fourth year of the competition and regularly attract audiences of over 200 people! This moot is what started everything and the momentum has grown from there.’

The Oxford Research Centre in the Humanities (TORCH) has awarded Marie the prestigious Mellon Humanities & Identities Knowledge Exchange Fellowship. Marie’s project will look at Amplifying Inclusion: living disability narratives and law for the next generation, working with the disabled people’s organisations My Life, My Choice and Getting Heard Oxfordshire. Talking about why diversity is such an important issue at Oxford and what she will be working on next, Marie said:

‘Broadening the purview of the humanities and social sciences to better consider disability is not limited to the content of substantive research; it also involves increasing opportunities for better participation in research for people with disabilities. We have been granted £3,000 by the Faculty to hold an exciting interdisciplinary two-day Conference in 2018. This will bring together leading academics from Oxford and around the world and disabled people’s organisations in dialogue about legal scholarship on disability.’

When asked what impact Marie hopes to have, she responded:

‘Our diversity and the curriculum initiatives aim to achieve “consciousness-raising” for students and academics in law and across the social sciences. We provide the tools they need to better understand the experiences of people with disabilities and how to think critically about the application of law and policy to issues which affect people with disabilities.’

It is hoped that, in time, this might lead to the creation of dedicated undergraduate or graduate option courses in disability law and policy, or even a specialised MSc in the field.
Early Career Researchers

Many of our readers will associate the Oxford Faculty of Law with undergraduate lectures and tutorials in college. Although this is a large and vital part of our history and present, the Faculty is much more than that. Currently, the St Cross Building is home to several incredibly talented early career researchers (academics who have finished their PhDs, but do not yet hold professorships) who are looking at law in a different way. Here we meet 5 of them who have come to the Faculty through very different routes.

All of these colleagues have been awarded incredibly competitive research grants, and we think you will be inspired and fascinated by the tremendous work they are doing. We are honoured to have them conducting their groundbreaking research in Oxford and we will continue to support and promote them.

Jessie Blackbourn
Research Fellow, Centre for Socio-Legal Studies
Last August, I joined the Centre for Socio-Legal Studies as a research fellow on a three-year contract. To do so, I gave up a permanent position as a lecturer in Politics at Kingston University. At my interview I was asked why I was willing to give up a secure, permanent position to take up a more precarious, temporary post. The answer was simple. I knew that a research fellowship in the Centre for Socio-Legal Studies would help me achieve my long-term career goals. However, I have taken a rather circuitous route to get here.

I started as a politics undergraduate at Queen’s University, Belfast in 1999, and having graduated with a keen interest in Irish Politics, I undertook a Master’s degree in that subject from 2003-2004. At that stage I knew that I wanted to continue on in academia, but it was not until the London bombings of July 2005, and the government’s response to that attack that I discovered an interest in counter-terrorism. I commenced my PhD at Queen’s in 2006 where my research examined the impact of new terrorism laws. The project’s remit was to identify the democratic challenge posed by anti-terrorism laws. At UNSW, I was fortunate to be mentored by senior colleagues who were interested in helping me to advance my academic skills and develop my own research agenda on counter-terrorism review, which remains the current focus of my research. At the end of my postdoc, I knew that I wanted a career in legal academia, so when I returned to the UK in 2014, I enrolled in a two-year graduate law degree at Birkbeck College, which I completed whilst working full-time at Kingston University. I graduated shortly after I took up my position at the Centre for Socio-Legal Studies.

Rudina Jasini
Economic and Social Research Council Global Challenges Research Fund Postdoctoral Fellow, Centre for Criminology
A career in academia was once described to me as a road trip, in which one faces multiple rites of passage as well as finding oneself taking far too many detours. This has most certainly held true in my experience. I am currently an Economic and Social Research Council (ESRC) Fellow at the Faculty of Law. My research project, which involves theoretical, doctrinal and empirical research, aims to contribute to the scholarly debate, policy discussion and policymaking on victim participation, and to its role, scope and implications in transitional justice. It also seeks to offer a deeper knowledge base regarding victim participation as both an approach and a principle. This project builds upon my doctoral research at the University of Oxford, which centred on the participation of victims of gross violations of human rights as civil parties in international criminal proceedings. The interpretation of victims’ participatory rights has been diffuse and at times divergent, betraying a far from cohesive and consistent approach, and making the study of civil party participation an excellent medium through which to explore the breadth of victim participation as a legal mechanism. As part of my doctoral research and current ESRC project, I have embarked on a number of fieldwork trips to Cambodia, where I have been privileged to interview and interact with legal practitioners and victims. I am particularly grateful to all those victims who participated in my study by sharing their stories of pain and loss, but also of incredible human dignity and resilience in the face of such adversity.

Prior to coming to Oxford as a fellow, I was a Postdoctoral Global Fellow at New York University School Center for Human Rights and Global Justice. I have also held appointments as a visiting scholar at Harvard Law School and the Max Planck Institute for Foreign and International Criminal Law, which I pursued in the course of my DPhil at Oxford. As part of my ESRC fellowship, I have had the opportunity to present my research and work at various conferences and symposia, which has been an incredibly enriching and rewarding experience.

While at Oxford, I have drawn particular satisfaction from teaching tutorials. Oxford has also offered an excellent opportunity to brainstorm with brilliant scholars. The conversations and discussions I have had with colleagues from across Oxford’s various colleges and departments are perhaps my most treasured experience.

Whilst my research has been primarily an intellectual endeavour, it has also been strongly influenced by my professional background as a practitioner. In 2014, I led a research project with Impunity Watch on victim participation in transitional justice in Cambodia. Before coming to Oxford, I worked as an attorney for the

My research fellowship here will help me to consolidate the research and education that I have already achieved, and – I hope – progress on to a permanent academic career in law. Here my research focuses broadly on practices of counter-terrorism review. I am currently conducting research for a monograph on independent reviewers of anti-terrorism laws in Australia, Canada, and the UK, and in September this year, Professor Fiona de Londras from the University of Birmingham and I will start a project on counter-terrorism review in the UK, funded by the Joseph Rowntree Charitable Trust. Once those projects end, it will be time to develop a new research agenda, beyond the narrow remit of counter-terrorism review.

What I have learnt from my academic experiences to date is that there is no single best route through academia; whilst some people secure a permanent position straight out of their PhD, and that works for them, for others it makes more sense to experience a range of positions in a number of disciplines. Finding the right fit for my research, and developing a long-term research agenda has been more important to me than simply progressing up the career ladder.
UN International Criminal Tribunal for the former Yugoslavia (ICTY) in The Hague on the defence team in the Haradinaj case. I also worked with the legal team providing representation and assistance to victims of the Khmer Rouge regime, in the prosecution of Kang Geuk Eav (aka Duch). In addition, in 2015 I was appointed as a member of the ILA International Committee on Complementarity in International Criminal Law.

I hold a DPhil and an MSc in Criminology and Criminal Justice from Oxford University, an LLM in International Legal Studies from Georgetown University Law Center and a BA in Law from the University of Tirana.

Throughout my scholarly and professional endeavours, I am sustained by the knowledge that this has been an incredible intellectual journey, but more than anything, it has been a journey within.

Francesca Menichelli
British Academy Postdoctoral Fellow, Centre for Criminology

The remit for this piece is to reflect on the path that has led me to Oxford, and talk about my work. As an exercise in trying to identify reformatively a coherent thread in the past nine years of my life, in a way this is not too dissimilar from looking for emerging themes in the interviews I conduct with respondents. Only this time I am supposed to turn my attention inward, to myself. This is not something I commonly do.

I started my PhD in urban studies in late 2008 at the University of Milano-Bicocca and I have worked in academia ever since. I know no other professional environment, yet I feel very uncomfortable in portraying my journey as anything other than idiosyncratic, or ascribing any kind of general validity to my experience. In no particular order, the things that have helped me the most along the way have been determination, a willingness to be a research nomad for long stretches of time, fluent English, luck. When I was starting out, I had no idea I would end up at Oxford, or even that it was possible for me. Career prospects for budding academics were dire that I was socialised to expect failure, and even now sometimes I can’t believe I have been here for almost two years.

What made a fundamental difference in my career path was being able to spend the final year of my PhD in Canada at the Surveillance Studies Centre at Queen’s University, as part of a fantastic community of scholars and supported by a great advisor. Canada was followed by short term positions in Italy and Belgium, and then by a research associate position at Cambridge in January 2015. As soon as I knew I had been awarded a BA postdoctoral fellowship, I moved here in September 2015 to work on my own project.

My research looks at the local governance of community safety in England and Wales and Italy, to explore how the provision of community safety services has changed the way local and national authorities interact with each other. At its heart, and in contrast to much mainstream criminology, this project decidedly rejects the assumption that the national level is the correct scale at which to investigate crime and related phenomena, and looks instead at the networks and partnerships established locally for community safety.

Theoretically, the research makes an argument about the larger significance of community safety partnerships within the wider restructuring of governance that is currently underway in the three countries I am studying and, as such, something that criminology should pay more attention to. I am looking at ways to share the results of my work with community safety practitioners working in local government, so I want to bring the results of my work to as wide an audience as possible.

Oxford has given me the space, freedom and confidence to come into my own as a researcher, and the opportunity to engage with brilliant people doing interesting work in all areas of the social sciences. I also have teaching commitments in our MSc programme in criminology and criminal justice and I am a member of the research committee, so I feel very involved in the life of the Centre for Criminology, and of the Faculty of Law at large. Playing all these roles has enabled me to acquire vital skills for the next steps of my academic career and, wherever my work might take me, I am not scared at the prospect of entering the job market in the near future.

Camilla Pickles
British Academy Postdoctoral Research Fellow, Centre for Criminology

I am originally from South Africa but I have roots in Mozambique, Portugal, Germany, and the United Kingdom. My interest in law stems from some of my personal and social experiences as a girl and young woman living in South Africa and the need to challenge the status quo from a feminist perspective. My research focus area is pregnancy and childbirth-related issues in law, and I have delved into a number of topics including feticide, framing ‘pregnancy’ in law, involuntary sterilisation, management of foetal remains, and now obstetric violence.

I obtained my LLB, LLM, and LD at the University of Pretoria. I was fortunate enough to have secured bursaries and scholarships for my LLM and LLD which allowed me to dedicate most of my time to establishing the foundations necessary for my academic career. I published several journal articles, presented my research at conferences, and I worked as an academic associate, researcher, and sub-editor for South African Crime Quarterly. In 2015 I served as Chief Justice Mogoeng Mogoeng’s law research clerk at the Constitutional Court of South Africa. My clerkship was very inspiring. I worked among South Africa’s leading jurists and exceptional law research clerks. I came to learn that academic debates on established and emerging issues can play an important role in the judgment drafting process and this encouraged me to continue working to secure an academic career. During my clerkship I was awarded a postdoctoral research fellowship at the South African Institute for Advanced Constitutional, Public, Human Rights and International Law, University of Johannesburg. I researched the implications of gender stereotyping in reproductive health care and involuntary sterilisation of women, and submitted my findings for publication in academic journals. During my time at the Constitutional Court and the Institute for Advanced Constitutional, Public, Human Rights and International Law I converted my doctoral thesis for publication, Pregnancy Law in South Africa: Between Reproductive Autonomy and Foetal Interests (Auta, 2017).

I was awarded the British Academy Postdoctoral Fellowship in 2016 and I commenced my fellowship in January 2017. My project is focused on understanding obstetric violence as a form of gender-based violence and establishing how the law can be used as a tool to prevent and respond to instances of obstetric violence and ensure accountability. Obstetric violence is found around the world and includes disrespectful, abusive and coercive treatment of women during pregnancy and childbirth which results in a violation of their autonomy, bodily and psychological integrity, human rights, and sexual and reproductive health. Very important activism is taking place in the reproductive health and maternity care sector which is aimed at developing guidelines and protocols to improve quality of care and overcome obstetric violence but violations continue and in many instances there is no accountability. Currently, legal perspectives on obstetric violence are sparse and this postdoctoral fellowship project aims to fill this void. To this end, I am using this fellowship as an opportunity to write a monograph which considers what legal mechanisms are available in select domestic, regional and international spheres, which questions the adequacy of these mechanisms to obstetric violence, and which explores what the ideal legal mechanisms would be if these needed to be developed. It is hoped that this project will be used to ignite or inform existing debates about obstetric violence and the role of the law within the interconnected relationships shared between pregnant women, obstetric care providers and the state. Further, it is hoped that some of the issues addressed in this project can be used in the development of policies, legislation, and in obstetric violence litigation strategies.
Julia Viebach
Leverhulme Trust Early Career Fellow, Centre for Criminology

I am a sociologist undercover in Law’ is my typical response when asked where I am based. I have come to be interested in the realm of the law in so far as its systems and rules make sense of, mediate and structure accounts of memory and trauma. From political science and development studies, with venture into peace and conflict studies and then transitional justice – this probably describes best the way I came to Oxford.

My longstanding curiosity has been why some societies descend into violence and how they try to recover from this experience. During my graduate studies in sociology and politics in Germany, I was particularly drawn to Rwanda. I asked myself again, ‘Why do people harm each other in such horrible ways and how is co-existence (and I deliberately choose not to use the term reconciliation here!) possible in its aftermath?’ So I started reading many books on the 1994 Rwandan genocide. The stories I encountered were horrific, but I knew that I wanted to write a thesis about it. I began my doctoral research exploring the aftermath of the genocide, particularly the democratisation process and the role of development aid. This topic was overlapped nicely with the research I was doing at the Institute for Development and Peace at that time too. After a short burst of fieldwork, I decided to change my topic to peacebuilding in Rwanda, but the question of how people, individuals, manage their everyday life never really left me.

When I changed institutions to start a researcher position at the Centre for Conflict studies at the University of Marburg I knew I had to satisfy this intellectual itch, and changed my topic again. I wanted to understand what memorials and commemoration meant for survivors of the Rwandan genocide. I started my trip to Rwanda with consultancy work for the German Civil Peace Service before I immersed myself in the life worlds of survivors working at the memorials. Between 2011 and 2014, I went back several times, visited many memorials, observed annual commemoration ceremonies and came to understand the personal meanings of memorials for survivors and the practice of care-taking (survivors clean and preserve dead bodies and human remains that are displayed at some memorials).

At the time, Oxford seemed very far away, if you had asked me then where I saw myself in one year, I would probably have said in Kigali doing consultancy work on memorialisation. But I saw the Faculty of Law’s advertisement for a one year postdoctoral position on ‘Ways of Knowing Atrocity’. That sounded like me! The phone call came on a cold December day just before Christmas and I could not believe that this was really happening. I got the job. A month later, in January 2013, I found myself in Oxford. Juggling the postdoctoral position with finishing off my PhD was a formidable task and one I cannot say I’d recommend, but both tasks were completed by December 2013. I was set to return to Germany, but was fortunate in the end to stay on in Oxford as a career development lecturer at the Centre for Criminology, during which I developed the Centre’s social media platforms and taught on the MSc in Criminology and Criminal Justice (and went back to Rwanda, of course).

Keen to conduct more empirical research in Rwanda, my new project ‘Atrocity’s Archives’ was soon to be born. This round through, I was keen to get a bit more distance from the horrific stories and traumatic accounts that came with researching the aftermath of genocide. Although not often talked about in academia, such research is challenging not just intellectually, but also emotionally. My new project sought to analyse and compare the archival records of the International Criminal Court for Rwanda (ICTR) and those of the local Rwandan Gacaca courts. Much has been written on the ICTR and Gacaca, but the archives remain totally unexplored.

In May 2014, an email from Andreas Heiner (I will never forget this name) ended up in my inbox, offering me a Leverhulme Early Career Fellowship. In utter disbelief, it dawned on me that I would have the wonderful opportunity to embark on another period of research – it’s been described as a bit like a second doctorate, just less stressful – doing what I love most: speaking to people in an effort to understand how and why things work the way they do. It has been a bumpy ride with gaining access to the archives, but momentum is building and the Faculty of Law’s postdoctoral sociologist is looking forward to returning to the field.

Supporting Early Career Researchers

The Centre for Socio-Legal Studies held its annual Early Career workshop in June 2017. It brought together 10 postgraduate and early stage postdoctoral researchers who presented fascinating papers on cutting-edge topics of socio-legal research, including cause marketing by supermarket chains, and a mobile money scheme in Kenya, amongst other innovative research connecting key fields including anthropology, social work, and economic modelling with the study of socio-legal practice. Professor Penelope Andrews from the editorial team of the International Journal of Law in Context and incredible support for my postdoctoral research project. Staff and participants all contributed to create an engaging and inspiring space for intellectual exchange and thought-provoking conversations.

The workshop managed to be both eclectic and intimate, allowing for a really enjoyable exchange of perspectives and ideas. The feedback and discussion was very useful.

Owain Johnstone, Centre for Socio-Legal Studies, University of Oxford

Criminology DPhil Symposium

In Trinity Term DPhil candidates at the Centre for Criminology showcased their work which spanned the broadest range of topics, demonstrating the varied subjects brought together at the Centre for Criminology. We started the day hearing about criminal anthropology, race and border control, considered the outcomes of police practices in the UK and crime talk in Bermuda, followed by projects on the sentencing process and restorative justice. The day ended with textured accounts of prisons and the meanings of punishment and an innovative experimental project linking brain science with postcards dropped on the street! The eclectic range of papers were testament to the breadth and depth of research going on at the centre, as well as the sense of collegiality and support amongst the criminology DPhil community.
What next?

This marks the end of Phase 2 of the refurbishment of the building. Phase 3, which was conceived many years ago, is now under review, and we are working on plans to create workspace for research students, offices for research staff, and space for the Centre for Socio-Legal Studies which is currently based in a different building.

Charlotte Vinnicombe

The St Cross Building Project

The St Cross building project was officially completed last December. It was an ambitious project to refurbish large sections of this Grade II* listed building, jointly with the English Faculty. The Centre for Criminology is settling well into its beautiful new space on the first floor. The Centre has offices for staff, open plan desks for students and visitors, a seminar room and a small meeting room equipped for on-screen conference calls. The Bodleian Law Library has a remodelled entrance, greatly improved office and meeting spaces, and a large new area of rolling stack shelving on the ground floor to accommodate its ever-increasing stock.

The main reception area for the building has been completely remodelled and refurbished, though thanks to the quality of the craftsmanship of the University carpenters you would be forgiven for thinking it was part of the original 1960’s decor. A new, welcoming entrance to the English Faculty Library has been created next to the main reception, and an entire new staircase and lift added to the core of the building, providing much better access to all floors. These improvements open up the space, and improve the legibility of the building for visitors.

A new accessible entrance has been added to the front of the building, and improvements have been made to the access routes throughout the building for wheelchair users and those with restricted mobility. The English Faculty has been remodelled, providing a distinct entrance and much-needed improvements to the academic and administrative office spaces. On the second floor, the old common room areas have been refurbished to create a bright new common room (café soon to be installed) and a well-equipped seminar room. These rooms are separated by a sliding partition wall, to enable us to use the larger space for receptions, student events and conferences outside term. And on the top floor, an area of the library has been converted into offices and teaching space for the Institute of European and Comparative Law.
HONOURS

1. John Armour
   Hogan Lovells Professor of Law and Finance. John Armour was elected as a Fellow of the British Academy in July 2017.

2. Adrian Briggs
   Professor Adrian Briggs was appointed Queen’s Counsel honoris causa. His nomination focuses on his book on private international law which is relied upon by the courts.

3. Anzela Cedelle
   Dr Anzela Cedelle received a British Academy Rising Star Engagement Award.

4. Wolfgang Ernst
   Professor Wolfgang Ernst, Regius Professor of Civil Law, was awarded an honorary doctorate by the University of Edinburgh.

5. John Finnis
   Professor John Finnis was awarded the title of Honorary QC. Professor Finnis is a leading legal philosopher and legal scholar at the Faculty of Law, and also lectures lectures at the University of Notre Dame Law School.

6. Judith Freedman
   Judith Freedman, Pinsent Masons Professor of Taxation Law was elected as a Fellow of the British Academy in July 2016.

7. Miles Jackson
   Dr Miles Jackson was awarded, ex aequo, the Antonio Cassese Prize for International Criminal Law (2015–2016). The Cassese Prize is awarded to the author of the most original and innovative paper(s) published in the Journal of International Criminal Justice in the preceding two years.

8. Tarun Khaitan
   Dr Tarun Khaitan has been awarded the Future Fellowship by the Australian Research Council to spend four years working on the resilience of democratic constitutions at University of Melbourne Law School. The Future Fellowship supports research by outstanding mid-career researchers.

9. Kate O’Regan
   Justice Kate O’Regan, the Inaugural Director of the Bonavero Institute of Human Rights has been elected as an Honorary Fellow of the British Academy.

10. Jenny Payne
    Professor Jennifer Payne has been elected to the International Insolvency Institute in recognition of her work in the field of debt restructuring.

Establishing the Bonavero Institute

Core principles and strategic plan

After consultations were held with Institute donors, key drivers and faculty colleagues, the Institute’s management committee adopted a set of guiding principles within a strategic plan, to shape core activities in the years ahead. These principles provide that –

The Institute studies and supports all fundamental human rights as they have been, or should be, protected in law, for example, those rights in the Universal Declaration of Human Rights.

The Institute acknowledges and welcomes debates about the content, foundation, and best forms of protection for human rights. It supports vigorous and diverse scholarly discussion of all these issues.

There are many people and organisations working in the field of human rights law both at Oxford and beyond. The Institute will seek to ensure that we work openly and collaboratively with others working in the field of human rights wherever possible.

Judicial Conversation series

Directly supporting one of the institute’s core principles, the Bonavero Institute launched its inaugural series of judicial conversations in April 2017. The Institute invited judges from a wide range of jurisdictions, including national and supranational courts, to address questions about the separation of powers in the context of their jurisdictions. Visiting judges included: The Right Honourable Dame Sian Elias, Chief Justice of New Zealand; Manuel José Cepeda Espinosa, former president of the Constitutional Court of Colombia; Paula Pinto de Albuquerque, Judge of the European Court of Human Rights and Justice Dikgang Moseneke, former Deputy Chief Justice of South Africa. The series explored legal and political factors that determine the role of the judiciary, the relationship between the judiciary and other institutions, and the concept of judicial independence. Conversations will continue throughout next academic year and the Bonavero Institute will continue to foster robust and open conversations on key questions concerning the role of the judiciary in adjudicating rights for constitutional and human rights lawyers everywhere. These events will look to deepen understanding of the variation in the role of the judiciary across the world and bring fresh perspectives to debates on the separation of powers.

Research Visitor Programme

Establishing collaborative working relationships with individuals and organisations engaged in work in the broad field of human rights is a key strategic goal for the Institute. The Research Visitor programme welcomes individuals working in the broad field of human rights as visitors to the Institute. Research visitors will work independently on writing projects at the Institute and will be given the opportunity to join in the collegial life of the Institute and Faculty of Law and will work towards enhancing academic diversity at the Institute.

Details of all research visitors are on our website.

Student Fellowships

The Institute has also established a portfolio of student fellowship opportunities, enabling Law students to fulfill a number of internships at partner organisations working in human rights law and practice. Fellowships are tenable at a range of institutions including Regenew UK, the Bingham Centre for the Rule of Law and The Public Law Project as well as the Nambian Supreme Court and The Supreme Court of Appeal in South Africa. These fellowships have been made possible through a generous donation made personally by Eric L. Lewis. The Bonavero Institute also administers a travelling fellowship through the Samuel Pisar Endowment Fund and is working in partnership with Oxford Pro Bono Publico (OPPB) providing a number of placements for students wishing to undertake public interest work.

Opening of new building

The Institute will open its doors in Michaelmas Term 2017. Staff being recruited include a Head of Programmes and three postdoctoral research fellows. The Helena Kennedy Reading Room in the institute will provide an open plan working space for visiting researchers, associate research fellows and selected doctoral students with an interest in human rights law. A lively programme of events is also planned which will utilise both the shared auditorium with Mansfield College and the Gilly Leventis Meeting Room housed within the Institute itself.

For further details regarding Institute events, research updates and programme activities please visit the Institute’s website.

www.law.ox.ac.uk/bonavero-institute

www.law.ox.ac.uk/bonavero-institute
Learning Lessons from Litigators: Realising the Right to Education through Public Interest Lawyering

The Oxford Human Rights Hub in partnership with the Open Society Foundations has created a free online resource Learning Lessons from Litigators: Realising the Right to Education through Public Interest Lawyering. This is for anyone engaged in campaigning for the right to education and explains the potential and risks of litigation and how it can complement other forms of activism.

The right to education guarantees that everyone is entitled to free, quality education, without discrimination. Education is not only an intrinsic right in itself, it is also a multiplier right, a key to the full development of both the individual and her society. Yet the fundamental right to education of millions of children all over the world is being routinely breached. Not only are governments failing to deliver, they are increasingly arguing that their legal responsibilities can be met by permitting the involvement of private providers who offer ‘low-fee’ schooling. This is deeply troubling as private schools in many jurisdictions are resisting regulation to provide equal and quality education to all, especially the most marginalised children. The UN Special Rapporteur on the Right to Education, Kishore Singh, warned in 2014 that ‘in many parts of the world inequalities in opportunities for education will be exacerbated by the growth of unregulated private providers of education, with wealth or economic status becoming the most important criterion to access a quality education’.

How then can the state be required to fulfill its obligations to realize the fundamental right of everyone to free, quality education, and what role can civil society, lawyers, parents, and public interest citizens and other stakeholders play in holding their governments to account? Is this a legally enforceable right which can be upheld in court?

The aim of the online course Learning Lessons from Litigators: Realising the Right to Education through Public Interest Lawyering is to examine the extent to which courts and international human rights bodies are effectively utilized as part of a campaign to realize the right to education. It situates public interest lawyering within the strategies to advance the right to education. It asks how litigation and resort to international human rights bodies interact with other strategies, such as campaigning, protest or political activism, and how litigation might be shaped to create constructive synergies with these other strategies.

It does so by drawing on the extensive experience of litigating the right to education in several jurisdictions, particularly, South Africa, the US, India, and Europe, in order to draw out best practices and highlight the risks of such strategies. Litigation carries risks: it may be slow, expensive, and it risks adverse decisions. But, the process of litigation can be used to enforce the law, to gain publicity for the issue at hand, and to put pressure on governments to change. The famous US case of Brown v Board of Education became the beacon for many other struggles for desegregated education, and the seminal decision of the European Court of Human Rights in DH v Czech Republic set a legal precedent for the use of indirect discrimination in education cases.

The course aims: to share the experience from several jurisdictions of using strategic litigation in relation to the right to education so that others can draw on that experience to decide whether and how to use litigation in the optimal way, to demonstrate the potential of international human rights mechanisms as a further complement to other forms of activism, especially in relation to international and regional human rights treaties, and to open up the possibilities of extrapolating from the experience of strategic litigation and the use of international human rights mechanisms in relation to other human rights.

The online resource will consist of a four-part series of online videos each of about 40 minutes duration. Its approach will be lively and engaging, raising the key questions and airing a range of possible responses which can then be applied by stakeholders in their own contexts. Detailed interviews will be conducted with the key players in several major campaigns for the right to education, including (i) the South African mud schools and textbook context, (ii) the US (Campaign for Fiscal Equity) cases for more resources for disadvantaged inner city schools, and (iii) the Indian experience with litigation on the right to education culminating in a constitutional amendment and the Right to Education Act.

Look out for more information on the course at ohrh.law.ox.ac.uk

Meghan Campbell

Brexit and the UK Constitution

The referendum outcome in favour of withdrawal from the EU has already had a dramatic impact on the law, the Oxford Faculty of Law and its alumni. Following the referendum outcome, we have witnessed a change of prime minister, the creation of a new government Department for Exiting the European Union, led by David Davis, MP, the Minister for Exiting the European Union, a snap general election, using the provisions of the Fixed Term Parliaments Act 2011, and the formation of a minority Conservative government, shored up by a ‘confidence and supply + Brexit’ agreement with the Democratic Unionist Party. We have also witnessed a High Court decision, criticism of the lack of response of the Lord Chancellor to judicial criticism, a Supreme Court decision, white papers on the policy for the UK’s exit from and future relationship with the European Union and on the legislation required to achieve this objective, as well as a vote in the Scottish Parliament in favour of a second Scottish independence referendum.

The most dramatic event for constitutional lawyers was the case brought by Gina Miller and others, who argued that the Government’s decision to use the prerogative to trigger Article 50 TEU – the provision of EU law governing withdrawal from the EU – was unlawful. The Government argued that the prerogative power of foreign affairs empowered them to enter into and withdraw from treaties. As such, they could use the prerogative to withdraw from the EU. Miller’s legal team argued that this was not the case. They agreed that the prerogative power of foreign affairs existed, but that it did not include the power to withdraw from the EU. This was because withdrawal from the EU would modify domestic law, frustrate the European Communities Act 1972 and other legislation, as well as remove rights UK citizens currently enjoy through the UK’s membership of the EU.

Even before the case was brought, members of the Oxford Faculty of Law and others were writing what would turn out to be influential blog posts on the UK Constitutional Law Association website. The blog posts multiplied, commenting not only on the decision of the High Court in favour of Gina Miller, but also on the criticism of the judges in that case and the lack of action by the Lord Chancellor to protect the independence of the judiciary and the rule of law. The challenge culminated in R (Miller) v Secretary of State for Exiting the European Union, a Supreme Court case which will go down in history as the first case heard by a plenary Supreme Court, the first Supreme Court case to be broadcast live on mainstream media, and the first time a crowd-funded applicant appeared before...
the Supreme Court. The faculty played its role, with commentary from current members of the faculty, and Oxford alumni representing both the applicants and the government and sitting on the High Court and Supreme Court.

Despite these historical milestones, in one sense the impact of the decision of the Supreme Court was minimal. The government introduced a bill before Parliament within days of the decision of the Supreme Court, which was enacted without amendment by the House of Commons. Although the House of Lords successfully proposed amendments, these were defeated in the House of Commons, this defeat then being conceded to by the House of Lords. The European Union (Notification of Withdrawal) Act 2017 came into force and the UK officially notified the EU of its intention to withdraw on 29 March, within the prime minister’s intended timetable.

With no conditions being placed on the triggering of Article 50 – save a political commitment to a vote in both Houses on the deal reached with the EU – one would be forgiven for wondering why Miller generated such excitement. Moreover, the decision concerns the law and not politics, including being wary of the UK’s ability to weather the storm remains to be seen. But it is clear from Miller that these issues may well be decided in the courts and not just in parliament, where the courts are sensitive to ensuring their decisions concern the law and not politics, including being wary of enforcing conventions. That alone marks a significant milestone in the ever-evolving UK constitution.

Alison Young

Oxford Faculty of Law participates in Supreme Court Brexit case

Professor Dan Sarooshi (Queen’s College) was invited by Lord Pannick QC (Fellow, All Souls College) to join the team of Counsel representing Gina Miller in the landmark Supreme Court case of R (Miller) v. Secretary of State for Exiting the European Union. The Supreme Court’s central finding by an 8 to 3 majority was that the UK Government cannot give notice to withdraw the UK from the EU without authorisation by an Act of Parliament.

Negotiating Brexit

Brexit is on its way. The formal withdrawal process under Article 50 TFEU was initiated on 29 March 2017. The United Kingdom and the European Union now have two years in which to negotiate the terms of the UK’s withdrawal, and will seek at the same time to pursue a closely linked deal over the terms of their future relationship. By mid-2019, the UK will, it seems, have left the EU.

Brexit will have fundamental political, economic and legal consequences – for Britain, Europe and, indeed, the world. These consequences will be shaped by the features of the agreement that is to be negotiated. These negotiations will be complex, involving multiple parties and issues.

In March, we organised a workshop at St Hugh’s College, Oxford, on ‘Negotiating Brexit’. The day’s discussions brought together leading academics, practitioners and policymakers who are involved in the Brexit negotiations. Their unifying perspective was how to realize the best (or least-worst) outcome in these negotiations.

The discussions were divided into three sections: the first (‘Brexit Stakes’) was concerned with what is at stake, and in particular for the UK. The focus here was on crucial policy fields such as financial services, corporate activity, and legal (dispute resolution) services. In the second section (‘Brexit Analytics’), the negotiating framework of Article 50 TFEU, political constraints on the negotiations and the WTO framework as an outside option were analysed. Finally, in a third section (‘Brexit Process’) negotiation specialists and mediators discussed negotiation strategies and process design/management for ‘making Brexit a success’ – or at least a lose-lose outcome.

Contributions to the conference were originally published in a special ‘Brexit Negotiation Series’ of the Oxford Business Law Blog roughly in the order of the conference contributions, grouped together by conference themes. The posts were later published in a conference volume together with new contributions on the subject matters covered by the conference (Armour/Eidenmüller (eds), Negotiating Brexit, Munich and London: Beck and Hart, 2017). For publication in this volume, the authors updated and revised their posts, adding references where deemed appropriate or necessary. However, the conversational character of the contributions as blog posts was in general retained. We hope that the volume is of interest to practitioners and policymakers involved in or interested in the legal, economic and political consequences of Brexit and to scholars researching ‘Brexit Stakes’, ‘Brexit Analytics’ and/or ‘Brexit Process’.

John Armour is the Hogan Lovells Professor of Law and Finance
Horst Eidenmüller is the Freshfields Professor of Commercial Law

Oxford Business Law Blog
www.law.ox.ac.uk/obb
Getting the call that I was being given a space at the UNIQ summer school, was something which did not only make me happy, but something which represented a unique opportunity for me. I can honestly say that this summer school gave me a truer representation of what studying at Oxford, what studying law or just studying at university, would be like, making it easier to set on the decision that university is the right path for me.

Oxford, as an academic institution, became less intimidating and a more imaginable destination for me, and everyone else who was there with me. The whole week there was a blend of many different experiences, allowing us to explore different sides of what Oxford has to offer. The week gave me a taste of what my subject would be like and what my general routine would be when studying at university, while also showing me the more exciting and fun things that are offered, as demonstrated by our night out clubbing. I was given the confidence that the subject which I have chosen to do is the right one for me, and I would absolutely recommend the UNIQ Summer School to everyone who wants a taste of what university life would be like.

Lilia Raykova, UNIQ Law Summer School 2016
Baker McKenzie Supports Oxford Law Outreach

Thanks to a generous donation from Baker McKenzie, we are delighted to announce the creation of a new post of Baker McKenzie Access Officer. This additional member of the admin team will be responsible for running the Faculty’s access and widening participation activities, helping to organise the Pathways to Law programme, the UNIQ summer schools, Faculty open days and other similar events. He or she will also help to develop new outreach projects for the Faculty, supporting academic colleagues responsible for access and admissions in Law. All our access students in outreach to all UK colleges and schools for our widening access programmes.

Law at Oxford is words I never thought I would say, yet her I am, part of the Pathways to Law cohort at Oxford. Last year, when I received the email about it I was unsure whether to apply as my A-levels were all sciences, however, I decided to step out of my comfort zone and try something new so I went for it and I got accepted. Since then my first year as part of the cohort has been full of fun and varied events such as taster lectures and a day on making a strong university application—both of which were very interesting and informative.

There was also a mooting day which I found extremely valuable as I had to present a case in front of a panel of judges, something I dreaded doing, yet I did it! My favourite part has been the work experience I have undertaken and fortunately I was able to have 2 work placements at leading firms: one at Travers Smith and the other at Maitland Chambers, which I enjoyed as it allowed me to see both the work of a solicitor and a barrister and it was the confirmation I needed that law is the degree for me. I found both placements really enjoyable and the people there went out of their way to help me to understand the various aspects of their work. The lawyers I worked with were very welcoming and the atmosphere was relaxed which was not what I had expected— I thought they’d be too busy to give me any of their time! I have found these to be very valuable experiences and they have really increased my motivation to study law at university.

Pathways to Law has given me an invaluable experience and the confidence to apply to Oxford and other top universities. I can’t wait to study law in the future and I recommend this programme to everyone as it has given me the confidence to aim higher and try harder.

Maryam Zamir, Pathways 2017

Oxford Pathways to Law aims to support and encourage academically able students in Year 12 and 13, from non-privileged backgrounds, who are interested in pursuing a career in law. Over the last year, our third cohort graduated from the scheme in summer 2017, we welcomed our fourth cohort who started in autumn 2016 and, as part of the Phase 4 of the programme, we held our first event, a mock criminal trial, with Year 10 and 11 (pre-GCSE) students.

In autumn 2016, we saw 83% of our second graduating cohort going on to a Russell Group university (an increase of 13% from our first graduating cohort), 64% of whom are studying Law, including 3 here at Oxford.

Law at Oxford was never a serious consideration for me. It simply did not seem like the type of place that little old me from a rural market town could ever fit into. This was the type of misconception that I wished to dispel as a LOLAA. It is upsetting to think that anyone should risk missing out on the opportunity to study Law here because they do not think they are the mythical ‘Oxford type’. Given that there is no such ‘type’, prospective applicants deserve to know that they could make it here and fit in, just like at any other University.

The work we do as LOLAAs serves to take apart this misconception. I particularly enjoy working at the Faculty of Law open days, as prospective students are able to converse with current students, and find that we are very much relatable – while we do work hard, we are not averse to watching reality TV. And yes, we do find time to socialise! Further, being able to see the enthusiasm of prospective students at Open Days serves as the best reminder to myself and my fellow LOLAAs of how lucky each of us at Oxford are.

Being a LOLAA has also given me the opportunity to help with the faculty’s Pathways programme. As such, I have guided an aspiring law student with visual impairments to various access events throughout the year, including a week-long work experience at a Magic Circle firm. The breadth of my role as a LOLAA has truly been very rewarding. I feel I have been able to help make a great step towards proving to prospective students that the study of Law at Oxford is open to them, should they wish to pursue it.

Qi-Lin Moores, LOLAA Ambassador 2016-2017

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Global Criminal Justice Hub

In June 2016, as part of its 50th anniversary celebrations, the Centre for Criminology launched a new Global Criminal Justice Hub to promote understanding of, and dialogue about, criminal justice responses to crimes around the world.

The topics the Hub will look into include:
- Cybercrime
- Trafficking in persons
- Justice responses to migrants and asylum seekers
- Conflicts, aggression, and war crimes
- Law enforcement in developing democracies
- The use of judicial and non-judicial executions around the world.

As the first step towards realising this ambitious goal the Centre created a series of collaborative exchanges with partner universities around the world. In 2017 Oxford welcomed the first visiting student under this scheme from the University of Pompeu Fabra, Barcelona, Jose M. Lopez-Riba. While in Oxford, Jose worked with Ian Loader and Alpa Parmar on his doctoral research about immigration policing in Spain, he also presented his research at an informal lunchtime seminar organised by Border Criminologies. Through the Global Criminal Justice Hub the Centre for Criminology hopes to support critical intellectual exchange that can work towards imagining and implementing global justice.

Find out more at www.law.ox.ac.uk/crimjusticehub.

Global Justice Internship programme awards

This year, the Oxford Global Justice Internship Programme, initiated by the Public International Law Group within the Oxford Faculty of Law and funded by the Planethood Foundation, provided financial assistance to four Oxford law graduates seeking valuable work experience in international law:

**Stergios Aidinlis** interned at the International Criminal Court, providing legal assistance to the Bemba defence team led by Ms Melinda Taylor in the so-called ‘Article 70 case’.

**Clara Ludot** joined a team of international lawyers while serving her internship within the Office of the President of the Mechanism for International Criminal Tribunals (MICT).

**Louis Tran Van Lieu** served his internship in the Policy Branch of the Office for the Coordination of Humanitarian Affairs (OCHA), New York.

**Zac Barnett** interned at the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), New York, experiencing both the 71st session of the General Assembly and the appointment of the new Secretary-General, António Guterres.

Read reports from these students at bit.ly/2jnternships.

Public International Law

International Court of Justice Traineeship Programme

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 one Oxford student or recent graduate to work for nearly a year at the principal judicial organ of the United Nations. The person selected will work closely with the members of the Court by providing research assistance in support of their tasks, such as drafting opinions, orders and other court documents; preparing case files and researching a variety of legal issues.

As the result of a very generous donation and further funds raised by members of the Oxford Public International law subject group, the Oxford Law Faculty is able to offer funding to Mr Sotirios-Ioanis Lekkas, who was selected by the International Court of Justice to undertake the traineeship. The traineeship will run from 1 September 2017 to 30 June 2018.

Daniel Kaasik
ICJ trainee 2016-17

From 1 September 2016 to 30 June 2017, I worked as one of the university trainees at the International Court of Justice, the principal judicial organ of the United Nations. I was assigned to His Excellency Judge Peter Tomka (Slovakia). My traineeship coincided with a number of very different cases currently on the Court’s docket, including disputes concerning diplomatic immunities, financing of terrorism, racial discrimination, and maritime delimitation. It was extremely useful for me to engage with the different areas of international law in a more practical fashion than I have been used to in academic life, and to learn about the general procedure followed at the Court for hearing and deciding cases.

My ten months at the Court were largely structured according to the Court’s calendar and the oral hearings thus appear as particular highlights. It was most interesting to see how differently cases can be argued in terms of strategy and style even before the International Court of Justice, where the procedure is rather inflexible. Alongside the hearings and working on the cases for Judge Tomka, I also benefited more generally from discussing questions of international law with my colleagues from diverse backgrounds and jurisdictions. I thoroughly enjoyed the debates both before and inside the Court, and emerge from my traineeship with a considerably enriched perspective of international law.

It was both a pleasure and a privilege to work at the Court, and I would like to thank the Faculty of Law and particularly the Public International Law Group for providing me with the opportunity and financial support for the duration of my stay at The Hague. Oxford’s continuing involvement in this programme is a testament to the strong tradition of public international law in the University.

Daniel is on back row second from left (University Trainees of 2016/2017 at the Peace Palace)
It is vital that the advisory board of a programme that cuts across the disciplines of law and finance reflects the various disciplines. Lisa Rabbe of Stratosphere Advisors, who has been featured on Financial News’s annual list of the 100 most influential women in finance every year since 2010, joins the board this year. She brings a wealth of experience in banking and policy, most notably as Credit Suisse’s previous Head of Public Policy for Europe, the Middle East and Africa. A close connection with the legal sector is crucial for the development of the MLF programme and to keep it relevant in the current climate of political and economic change. New MLF board members Emma Matebilano, Partner at Clifford Chance, Vanessa Hvard-Williams, Partner at Linklaters and Flora Mclean, Partner at Freshfields, represent magic circle law firms who are keen to be involved with the MLF and see the value in a programme which bridges the world of finance and law.

Luca Enriquez, Allen & Overy Professor of Corporate Law and Director of the MLF programme, said: ‘We welcome our new board members and look forward to their inputs on how to make the programme even better at opening up new career avenues for our students. Diversity within the Board is instrumental to this goal. We aim to further broaden the range of backgrounds and experience within the Board in the coming years.’

New members on the MLF advisory board

The MSc in Law and Finance is now in its 6th year and the Advisory Board has played a key role in the development of the programme. This year the board has said goodbye and thank you to some of the members who have helped shape the programme from the start and has welcomed five new members, including one alumna.

Nick Segal of Freshfields, Mark Campbell of Clifford Chance, George Karafotias of Shearman and Sterling and Paul Lewis of Linklaters have stepped down from the board after seven years of invaluable contributions to the shaping and development of the Course. Alessandra Solberger is the first alumna to join the Advisory Board. She graduated from the MLF programme in 2012 and next worked in M&A at Goldman Sachs and in private equity at Blackstone before moving on to venture capital at Mosaic Ventures. She has now set up her own business – Evermore Health. She says ‘I’d like to bring to the advisory board an entrepreneurial, international perspective to career-building and approaching sectors with a multidisciplinary approach. I think that multidisciplinary thinking has become particularly relevant in this modern age and economy – that’s something that the MLF brings through and encourages particularly well.’

Part-time DPhil in Law

From October 2018 the Faculty will begin admitting students to the DPhil in Law on a part-time basis. Part-time DPhil students will be given twice as long on the student register as their full-time counterparts, and will not need to be in residence in Oxford during their studies, though will need to meet certain attendance requirements and undergo the same research training as full-time students.

This new initiative will make the DPhil accessible to a number of different communities. It will contribute to the Faculty’s widening access and participation agenda, providing an opportunity for students to combine paid employment and graduate research (an important consideration given that graduates are often burdened with significant debt) and making it easier for those with child-care responsibilities to pursue studies at doctoral level. It will also make the DPhil available to legal professionals, who are increasingly excepted to engage in continuing professional development while simultaneously occupying important and demanding roles in a variety of legal and political contexts; and to legal academics in tenured Faculty positions who wish to gain a prestigious research degree from the University of Oxford, without having to take an extended faculty sabbatical to do so.

Commenting on the new arrangement, Professor Alan Bogg, the Associate Dean for Graduate Research Students, writes: ‘As a place of learning the Faculty of Law can only benefit from the presence of professionals from the world of legal practice and policy work within its student body, and development of a part-time DPhil is integral to the Law Faculty’s commitment to being an inclusive environment for work and study.’
Over 500 attend Putney Debates 2017 to debate UK’s constitutional future

Over 500 people attended The Putney Debates 2017, organized by the Foundation for Law, Justice and Society (FLJS) at St Mary’s Church, Putney, and over 2,000 more have watched online, in what has come to be regarded as a significant milestone of public engagement in the ongoing debate over the UK’s constitutional future.

The Debates, convened by FLJS on 2 - 3 February in association with the Faculty of Law, the Centre for Socio-Legal Studies, and Wolfson College at the University of Oxford, addressed the constitutional challenges raised by the vote to leave the European Union, and questioned the need for a written Constitution for the UK.

More than thirty speakers debated the issues over four sessions, chaired by the UK’s leading legal commentator Joshua Rozenberg, Cambridge philosopher and Cross-bench Peer Baroness Onora O’Neill, and members of the Law Faculty including Professors Denis Galligan, Alison Young, and Paul Craig.

The Debates were conceived by Professor Denis Galligan, Professor of Socio-Legal Studies at the Faculty of Law and Director of Programmes at the Foundation for Law, Justice and Society, Wolfson College.

Professor Galligan was struck by the parallels between the constitutional uncertainties posed by the result of the EU Referendum, and those faced in 1647, when the original Putney Debates were convened in the wake of the English Civil War, and gave rise to many of the civil liberties we value today.

Speaking about the inspiration for the event offered by recent political events, Professor Galligan said: ‘Government has been toppled, a new leadership has emerged, the two main parties are in a state of internecine warfare, parliamentarians do not understand how to reconcile their duty to act for the common good and the result of the referendum. The referendum, a device unknown in British constitutional history, is being thrust into the constitutional arena without explanation or justification. The people are divided and the four nations comprising the United Kingdom are at odds.’

The debates included a panel of pre-eminent figures including renowned philosopher and prominent Brexit critic A.C. Grayling, former Lord Justice of Appeal Sir Stephen Sedley, Rob Murray, representing Gina Miller in the Article 50 case, constitutional expert and tutor to David Cameron) Vernon Bogdanor, prominent human rights lawyer Michael Mansfield QC, Political Economist Will Hutton, the historian and Guardian columnist Timothy Garton Ash, and Robert Hazell CBE, founder of the Constitution Unit at UCL.

Over two days, speakers and audience debated the relationship between parliamentary sovereignty and popular democracy, contemporary trends to strengthen the voice of the people through direct democracy, referendums, and social media, the Article 50 case, the Royal Prerogative, and the role of the law, and constitutional principles and how to preserve them.

Common themes that were consistently raised throughout the debates included:

• the tension between the will of the people and representative government;
• the need for greater civic education to confront political apathy and misinformation;
• the importance of preserving free speech and the popular voice in a post-truth society, and
• the widespread ignorance of constitutional principles, even within Parliament itself, and the case for a written constitution for the UK.

A collected volume of the speakers’ contributions entitled Constitution in Crisis: The New Putney Debates, featuring an introduction by Professor Galligan, was published in August and can be ordered from www.fljs.org/putney-book. Copies will be distributed to every MP and higher court judge in the land, and will be available to buy online and in High Street bookshops.

Other notable events organized by the Foundation for Law, Justice and Society in 2017 include a book colloquium on Ivan Krastev’s provocative new book on the future of the EU, After Europe, and a keynote lecture by one of the Putney Debaters, renowned philosopher A. C. Grayling, who, on 6 December, will make The Case for a Written Constitution. A follow-up event to the Putney Debates is being planned for February 2018. To find out more and register, visit: www.fljs.org/events

Phil Dines

www.fljs.org

To receive updates of the Putney Debates book launch event, invitations to our full events programme, and links to our free resources, please follow us on Twitter at @OxfordFLJS or subscribe to the FLJS bimonthly e-newsletter www.fljs.org/e-news.

The debates were livestreamed to a global audience, and can be watched again at the Law Faculty YouTube channel and at www.fljs.org/PutneyDebates2017-Videos.

To order your copy of Constitution in Crisis: The New Putney Debates at a special discounted price, please visit: www.fljs.org/putney-book.
Dame Heather began the lecture by reflecting on the place of juries in our legal system. She explained that the role of juries is confined to criminal cases, with civil cases not being well-suited to trial by jury. She then discussed the difficulties that juries face when deciding multiple counts, and the controversial issue of whether or not the jury should hear of the defendant’s character. This latter issue was resolved by the Criminal Justice Act 2003, which she argued remedied the previous problem of juries not being allowed to hear of a defendant’s character or judges being obliged to give a good character reference to ‘bad’ defendants.

Dame Heather discussed whether judges are wrong to place so much faith in juries. She explained that trial by jury is seen as unfair and time-consuming in some instances, as well as being a luxury that is very expensive. Moreover, juries can misbehave; juries have sometimes made approaches to the accused or certain advocates, however, a far more troubling problem is the increasing trend of juries ignoring directions against using the internet. This has prompted the phrase ‘trial by Google’, with 12% of jurors looking for information on the internet, which she argued has to be a cause for concern.

Dame Heather expanded on the historical role of the jury. When the King was all-powerful, and the Star Chamber was active, the judiciary was generally seen as a branch of the executive. The major milestone into play.

In her concluding remarks, Dame Heather stated that she does not advocate a return to trial by jury in civil cases, with one reason for this being that consistency is needed in terms of damages. On the other hand, she gave support for the continued role of juries in criminal cases which are sufficiently serious in their effect on society or the individual. She further added that more academic research is needed in this area in order to ensure that the jury process remains a robust, central and democratic part of the judicial system.

Matthew Terry
translated into more comfortable idioms like nationality discussions was race as something coded and disguised, that it has not disappeared. A running theme of our conceptualize race, we can be sure lives are reducible to rhetoric. However we zero-sum politics of crime and immigration continues, tough immigration policy are bi-partisan affairs, even as the outcome of committed nativist activism are of Latinos. Although we may think of law and order when, for example, more than 90% of US deportations the facts frequently confound this myth of equality 'racelessness', given its publicly declared neutrality and low visibility application. This dual quality of theoretical objectivity and racialized practice helps sanitize the law, particularly powerful instrument for the illusion of as geographically distinct as US Fourth Amendment racialized law enforcement are common to practices of Antipodeans or being swamped by Danes. Within racial hierarchies are normalized. Thousands of ethnic minority men and women languish for unknown periods in immigration detention centres where the innocuous concept of ‘diversity’ is celebrated, as Mary Bosworth discussed; posters showing a mass of refugees crossing into Slovenia are used as a reason for Britain to leave the EU; vans are piloted in certain communities to encourage illegal migrants to ‘go home’. Sometimes these are called out as dog-whistle politics because the message went a little too far. Political actors occasionally distance themselves after the fact if it goes wrong, not because the message was abhorrent, but because the medium was a bit blunt. The list goes on and things may yet get a lot worse, so what is to be done? The political agenda is hardly inspiring, but despair doesn’t help anyone. Conceptualizing race and understanding how it works is one important step towards a better politics of migration and criminal justice.

Dominic Aitken
Dominic Aitken, DPhil student in Criminology, is researching responses to deaths in prisons and immigration removal centres.

Border Criminologies funding

It with great pleasure that Border Criminologies announces a series of new partnerships with Goldsmith Chambers, Garden Court Chambers and the research group headed by Professor Maartje van der Woude at Leiden University. Through generous funding from Goldsmith and Garden Court Chambers, the core work of Border Criminologies will continue, while new plans are afoot to hold events bringing together legal practitioners and academics. Working with the wider Oxford Faculty of Law and the Centre for Criminology we hope also to encourage students to consider working on the intersections of criminal and immigration law. The Criminal Justice, Citizenship and Migration SSRN series which makes academic research free to access, which was previously covered by the Leverhulme Trust, will be funded through Prof. van der Woude’s VIDi grant. The two research groups are working together to plan student exchanges and seminars. We would like to take the opportunity to thank some of the funding bodies that have underpinned Border Criminologies from the start as a number of grants are winding down. We are thankful for the generosity of those funding bodies, particularly the Leverhulme Trust and the European Research Council. We are also grateful for the ongoing support of the Centre for Criminology through the Global Criminal Justice Hub, to the John Fell Fund at the University of Oxford and to the Economic and Social Research Council.

Want to know more about Border Criminologies research and events?
Read our blog www.law.ox.ac.uk/border-criminologies
Listen to podcasts from Border Criminologies events at bit.ly/bcrimitunes

Oxford Transitional Justice Research Network

In June, OTJR celebrated its 10th anniversary year with a one-day workshop for PhD candidates and early career researchers working on transitional justice. The workshop, organised by DPhil candidates and OTJR members Daniel Franchini and Elena Butti, was attended by more than 40 researchers from the UK and overseas. The participants engaged in an extensive discussion on the current challenges of transitional justice research under the guidance of scholars and former OTJR members Phil Clark, Nicola Palmer, Miles Jackson, Julia Paulson, Katherine Saunders-Hastings, and Eleanor Pritchard. Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, delivered a keynote talk on how to bridge the gap between academia and practice in the field of transitional justice. A performance by Javier Ormena, from the Theatre of Transformation, concluded what has been a major event for transitional justice research in 2017.

As part of its weekly seminar series, in 2016/2017 OTJR has brought to Oxford leading scholars and practitioners working on issues of justice, truth, and reparations in societies recovering from conflict and authoritarian rule. The list of the prestigious guests includes, among many others, ICC Judge Chiles Ebo-Osuji, Sir Geoffrey Nice QC, Philippe Sands QC, and key negotiators in the Colombian peace process.

The podcasts of these events are available at bit.ly/otjrpodcasts

Institute of European and Comparative Law

Current Issues in Arbitration and Dispute Resolution

The biennial conference on Current Issues in Arbitration and Dispute Resolution was held on in St Catherine’s College in December, organised by Genevieve Hofferinger, Horst Eidenmüller and Andreas von Goldbeck on behalf of the Institute of European and Comparative Law, in collaboration with the Comité Français de l’Arbitrage and ESSEC Business School. The conference, supported by Orrick Rambaud Martel, brought together leading academic writers and practitioners in the fields of commercial arbitration and mediation from England, Continental Europe and the United States and—as always—gave rise to a rich and lively debate between the presenters of papers, their discussants, and the conference participants generally.

The programme this year included a wide range of papers grouped around the themes of international commercial arbitration: Brussels I recast (Andreas von Goldbeck, Oxford), competition in the arbitration market (Martin Fries, Munich) and arbitrator impartiality (Peter Aytton, London City University), arbitration and mediation: comparative economic analysis of arbitration and mediation (Sarat Sampa, Northwestern University), and evolutions and trends in negotiation and mediation: process design in complex business mediations (Andreas Hacke, Düsseldorf and Munich), and concluded with perhaps the most topical of all current issues: negotiating and mediating Brexit. Horst Eidenmüller presented his paper which analyses the negotiation position of the parties (UK, EU, Member States) and proposes an international, tailor-made mediation process as a means to efficiently steer the withdrawal negotiations and help the parties agree on a value-preserving “withdrawal agreement” (“Brexit Mediation”).

John Cartwright
Thirty Years on Death Row: When Reality Confronts Critical Theory

The highly prestigious Roger Hood Annual Public Lecture series was launched in 2006 to honour and celebrate the long and distinguished career of Professor Roger Hood and his contribution to Oxford Criminology. The inaugural lecture was given by David Garland, and other lecturers have included John Braithwaite, Jonathan Simon, Andrew Ashworth, the late Nils Christie, Alison Liebling and Lucia Zedner. In 2017, we returned to the theme of our first lecture and the topic closest to Roger’s heart, the death penalty.

Does the death penalty pose moral dilemmas that force us to commit uncritically to the preservation of life, irrespective of broader intellectual and practical implications? In a passionate and engaging lecture, Bernard Harcourt explored this and other complex questions, inviting us to reflect on the ethical choices we, as researchers, lawyers, and ultimately human beings, are forced to face when the life of another individual is at stake.

As a critical theorist, Harcourt has dedicated significant thoughts and efforts to highlighting how liberal values and power structures. At the same time, as a death penalty defence lawyer, he has unwittingly reinforced the intellectual. Yet, Harcourt recognizes that his activity as a lawyer might have indirectly contributed to the survival and preservation of the very system they are trying to defeat?

Harcourt admits that this is a real possibility, and yet he never gave up his work with Doyle. He felt that Doyle needed him and that at the same time he needed Doyle, perhaps to fulfill his human need to give a part of himself to somebody else. Perhaps the reason for this humanitarian urge lies in what Kant called the inviolability of life, Harcourt argues. Perhaps confronted with the need to save a life we have no choice but to defend due process and constitutional rights even if by doing so we further entrench a cruel and inhuman punishment. If you have the privilege and power to defend the rights of those in need, is it possible or desirable to refrain from doing it simply because it might reinforce the system as a whole?

Chloé Deambrogio
Anti-terrorism law’s place within it.

Challenged some of the fundamental assumptions about a ‘normal’ constitutional order and the appropriateness of human rights law, criminal law, and family law. The workshop saw the presentation of new work in these areas including constitutional law, EU law, immigration and citizenship law, international, regional and domestic law, human rights law, or immigration law. However, in reality, domestic state and transnational terrorism laws as a distinctive area of law in itself, or one that interacts with a single other legal discipline, most often criminal and legal processes. The body of laws that comes under the rubric of ‘terrorism law’ is often thought of either in the absence of, or as a subset of, the law more generally. This workshop aimed to challenge these assumptions by looking at the law as a whole, and to consider the consequences of the way terrorism laws are understood for our knowledge of the law, and for the practice of lawyers in relation to terrorism cases.

In March, the Centre for Socio-Legal Studies hosted a one-day workshop on ‘The Impact of Terrorism Law on Law and Legal Processes’. The body of laws that comes under the rubric of ‘terrorism law’ is often thought of either as a distinctive area of law in itself, or one that interacts with a single other legal discipline, most often criminal law, human rights law, or immigration law. However, in reality, domestic state and transnational terrorism laws have a significant impact on multiple areas of law simultaneously, but the effect of that impact is often lost due to the constraints of legal disciplinary boundaries. The aim of the workshop was to overcome those constraints, by crossing legal disciplinary boundaries to discuss the intersection between anti-terrorism law and other areas of the law, including constitutional law, EU law, immigration and citizenship law, international, regional and domestic human rights law, criminal law, and family law. The workshop saw the presentation of new work in these areas from Alan Greene, Durham, Cian Murphy, Bristol, Devyani Prabhat, Bristol, Rumyana Grozdanova, Liverpool, Adrian Hunt, Birmingham, and Lawrence McNamara, York/Bingham Centre for the Rule of Law. The discussion that followed explored the variety of ways in which terrorism law has shifted perspectives on core legal values and challenged some of the fundamental assumptions about a ‘normal’ constitutional order and the appropriateness of anti-terrorism law’s place within it.

Centre for Socio-Legal Studies

The Impact of Terrorism Law on Law and Legal Processes

Annual Socio-Legal Lecture

Professor Kieran McEvoy from the Law School of Belfast University presented the 2017 Annual Socio-Legal Lecture. Now a well-established and well-attended highlight of the busy events calendar of the Centre for Socio-Legal Studies, this year’s lecture examined ‘Lawyering: Professionalism and Struggle in Conflict and Transition’. The lecture explored through four heuristic models how lawyers who represent clients in highly politicised causes handle cases and thus contribute to performing the ‘legality’ of legal institutions, such as courts. The models were informed by analysis of an original data set of 170 in-depth qualitative empirical interviews with cause lawyers and political activists that explored whether and how cause lawyers share information between politically motivated prisoners and those on the outside, whether they recognize the court at all and which lines of argumentation they adopt. Also through the rich empirical data the lecture illuminated cause lawyering as a significant and controversial socio-legal phenomenon in a range of conflicted and transitional societies, including Northern Ireland, South Africa, Israel/Palestine, Cambodia, Chile and Tunisia, thus raising fundamental questions about the relevance of specific political and economic circumstances for shaping ideals of professionalism among lawyers.

The lecture was preceded by an internal Centre workshop which stimulated lively debate among its fellows, including postgraduate and postdoctoral researchers as well as visitors, also in response to presentations by Elena Butti and Dr Jessie Blackbourn about the criminal prosecution of a US cause lawyer defending Islamic terrorism suspects.

Women at Work

Despite making impressive gains, women continue to face significant disadvantage in both formal and informal work. The law, as currently conceived, has been unable to fully achieve women’s equality in the labour force. However, while it is important to question whether we can rely exclusively on the law to fully address the continuing and emerging obstacles to women’s employment, it is equally as important to recognize that law still retains a vital role in modifying cultural norms that underpin women’s role in the labour force. Legal and policy strategies can and do empower women around the globe.

On 18 and 19 May the Oxford Human Rights Hub (OxHRH), The International Labour Organization and the University of Kent hosted A Better Future for Women at Work: Intersectionality, Care Work, Rural Economy. The conference discussions were energetic and moved beyond traditional debates on women’s role in the labour force. Panels looked at the importance of zoning women there must be universal provision of high quality public services. The conference concluded with a call for universal solidarity and, at the same time, being attentive to local political, legal and social culture.

The findings of the conference will be drawn together for publication. In the lead up to the conference, the OxHRH published a special blog series drawn from the conference papers that explores these themes. You can find the blog series on our website ohrh.law.ox.ac.uk We are grateful to all who participated who devoted their time and energy into making the conference such a success, and especially to the International Labour Organization and the University of Kent.

Oxford Human Rights Hub

The conference explored key aspects of achieving transformative equality for women in the labour force. The findings of the conference will be drawn together for publication. In the lead up to the conference, the OxHRH published a special blog series drawn from the conference papers that explores these themes. You can find the blog series on our website ohrh.law.ox.ac.uk

Women at Work

• A Better Future for Women at Work: Intersectionality at Work
• Responding to Inequality in Earnings and Income
• Combating Violence and Harassment at Work
• Women and Vertical and Horizontal Occupational Segregation
• A Better Future for Women at Work: Intersectionality

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Different Ways of Working

The legal regulation of work is back in the news: be it the prime minister’s review of employment law for the 21st century or her Chancellor’s infamous U-Turn on increasing National Insurance contributions for the self-employed. At the same time, however, many of the legal and policy discussions seem to take place in narrow silos: tax lawyers worrying about tax classification, employment lawyers discussing workers’ rights, and labour economists baffled by their legal colleagues’ narrow focus on classification.

In the early summer of 2017, Abi Adams (Oxford Economics & Neri College), Judith Freedman (Oxford Tax Law & Worcester), and Jeremias Prassl (Oxford Employment Law & Magdalen) organised a joint conference to tackle the underlying questions from an interdisciplinary perspective. Oxford Law colleagues Anne Davies, Hugh Collins, Mark Freedland, and Glen Loutzenhiser joined a line-up of more than 20 speakers drawn from across the fields of economics, tax, and employment law, bringing together perspectives from legal practice, policy think tanks, government, and academia. One of the key aims was to look beyond domestic law for solutions, with a comparative session offering different perspectives from the French Inspector General of Social Affairs, a senior Swedish Trade Union Official, and academic colleagues from the United States and Australia.

Find out more about the conference, see the presentations and watch clips at bit.ly/workconf.

The conference was sponsored by the ESRC, the British Academy, the Faculty of Law and the Oxford Centre for Business Tax.

Centre for Competition Law and Policy

Online Markets and Offline Welfare Effects

In May the University of Oxford Centre for Competition Law and Policy (CCLP) hosted a conference on ‘Online Markets and Offline Welfare Effects - The Internet, Competition, Society and Democracy’. The event brought together more than 170 delegates from academia, practice, industry, enforcement agencies and the judiciary, to discuss the changing dynamics of competition. Representatives from the press attended as well, and reported during the event and in subsequent days.

The first panel, under the chairmanship of Sir Peter Roth (President of the UK Competition Appeal Tribunal) focused on consumer welfare and digital markets. Panel members included Tommaso Valetti (Chief Economist, European Commission, DG Comp), Munesh Mahtani (Google), Agustin Reyna (BEUC), Philippe Chappatte (Slaughter and May), and Alec Burnsde (Dechert). Speakers debated the need for antitrust intervention, and explored the dynamics of online competition, the level of innovation, disruption and the possible effects on consumer welfare.

The second panel was chaired by Barry Lynn (New America), and moved beyond the core competition values. A lively discussion between Maurice Stucke (Tennessee University), Timothy Cowen (Presiskel & Co), Brian Message (ATC Music Management), John Naughton (Cambridge University) and Martin Moore (KCL Centre for the Study of Media) centred on the importance of the digital economy in our everyday lives and the possible inclusion of wider interests such as fairness, privacy, and democracy in the competition analysis. Speakers debated the increased use of big data and big analytics and the impact these have on society, businesses, and sectors in the economy.

The third panel was chaired by Lisa Lovdahl Gromsen (BIICL) and focused on digital consolidation, citizen and community. Panel members included Philip Blond (ResPublica), Christian D’Cunha (Office of the European Data Protection Supervisor), Maurits Dolfmans (CGSH) and Rebecca Williams (Oxford University). A heated debate developed among the panelists on the adequate level of antitrust intervention. Interestingly, the implications of increased market concentration and the rise of a key ‘gatekeeper’ were disputed, and there were opposing views as to the true level of online competition, market access and innovation.

The fourth panel, chaired by William Kovacic (UK CMA) included leading enforcers. Lord Currie (Chairman, UK CMA) discussed recent enforcement actions in the UK and shared his view on emerging technologies and practices. Isabelle de Silva (Head of the French Competition Agency) explored the novelty of the digital economy and implications of large scale data usage. She noted the need for faster procedures and enforcement action, to keep up with the dynamics of online markets. Terrell McSweeny (Commissioner, US FTC) emphasised the interface between law and technology and the need for better understanding of the technology at the core of modern markets and strategies. Andreas Mundt (President, German Bundeskartellamt) discussed the competitiveness of digital markets. He noted that ‘while the competitor may be a click away’, competition isn’t. He further emphasised the role privacy may play in competition analysis. Mario Monti (The Senate of the Italian Republic), reflected the role of economic considerations in competition enforcement and the possible politicisation of the debate. He noted that while the ‘consumer welfare test’ may be imperfect, it serves as a useful anchor against winds of economic nationalism.

The fifth and final panel of the day was chaired by Spencer Waller (Chicago Loyola University). Panel members included Adi Ayal (BIU), Pepper D. Culpepper (Oxford University), Josef Drexl (Max Planck Institute, Munich), Harry First (NYU), and Michal Gal (Haifa University). The discussion focused on the future implications of current technology on enforcement, individual autonomy and society. Themes discussed included the future implications of the digital economy on choice, media, innovation, labour markets, the distribution of power in society, and the democratic ideal.
Two key issues emerged in relation to the final step of the deliberation process: the determination of the outcome of the case. The first was the use of voting in determining outcomes. A number of speakers provided striking examples of where the formal issue-by-issue voting process adopted in many civil law jurisdictions can lead to a result at odds with that which would obtain in a common law jurisdiction. Take, for example, the case where all the judges agree that an appeal should be dismissed, but they disagree on the reasons for dismissal such that no ground for dismissal has a majority. An issue-by-issue voting process leads to the result that the appeal is upheld, whereas a more holistic assessment would result in the appeal being dismissed. This exposes a fundamental underlying debate about whether the function of appellate courts is to determine discrete legal issues or to reach the right outcome in the particular case.

The second issue to emerge was the extent to which courts should strive for a unified voice in their judgments. There was general consensus that unanimous judgments tend to carry greater authority and have the benefit of providing a clear ratio that can be applied by lower courts. However, it was also observed that the need to achieve unanimity can undermine the quality of the judgment: the need to find common ground between a number of diverse views may necessitate sketchier reasoning than would otherwise be the case. One aspect of this debate is the place of dissenting and concurring opinions. A variety of practices were reported, from dissents/concurrences being impermissible to being reasonably common.

The two days of the conference thus illuminated a remarkable diversity of collective decision-making processes. The information-sharing and frank discussion throughout the conference will hopefully encourage participants to scrutinise closely the practices adopted in their own jurisdictions as they strive to achieve best practice.

A book based on the conference proceedings is expected to be published in 2018.

Julia Wang
Virtual Markets and Competition

E-commerce has brought us all closer to the promised land of competition – where ample choice, better quality and lower prices reside. Our online environment is seemingly delivering constant waves of innovation and competitive pressure. It has led to reduced barriers to entry, increased market access, increased market transparency and lower search costs.

Alongside these positive developments – somewhat behind the scenes – a range of strategies have emerged, which may undermine these developments – limiting transparency, price competition, choice and access to markets. Indeed, following the wave of innovation and competitiveness introduced by e-commerce, increasingly powerful anti-competitive undercurrents have come into play.

At times, anti-competitive strategies may be unilateral, and include behavioural discrimination or exclusionary practices. At other times, novel contractual frameworks may limit competition, such as online marketplace bans and wide parity clauses. Also noteworthy are instances in which advanced algorithms may be used to facilitate coordinated action and establish algorithm-driven collusion.

These developments raise challenging policy and enforcement questions. Should they call for antitrust intervention or should we put our trust in the market’s ability to correct itself? To what extent can exiting enforcement questions be answered?

Another interesting strategy which raises enforcement challenges is that of price discrimination. Increasingly, online operators are harvesting our personal data and adjust pricing accordingly. Online platforms are able to create a mirage of competition – a seemingly competitive environment – which in fact has been altered to maximize profitability, by identifying the user’s willingness to pay and charge at that level. The user’s postcode, computer brand, search history and other data points, all play a role in personalizing the shopping environment, and the price displayed. As a result, the seller is able to engage in discriminatory practices and charge higher prices, while retaining the façade of competition. The customer is often unaware of the information gathered, the method used to calculate the price and of it being targeted by these strategies.

Stealth, and asymmetry of information, are two striking characteristics of our online dystopia. Also noteworthy is the increased concentration online – as the key information and search junctions are captured by a select number of players who benefit from network effects. The majority of us trust a few search interfaces and service providers. As we increasingly depend on these providers to shape our online interface, their gatekeeper’s power increases. Worryingly, we may lack the ability to detect whether the marketplace has been distorted and through which means.

While many are concerned about the shift in power from consumers to the platforms, key questions remain: Is the shift in power transient or here to stay? Is competition law an adequate tool to address our concerns? And if it is, how effective might it be in addressing these strategies?

These questions are at the top of the agenda of most competition agencies. Enforcers in the UK, the EU and elsewhere grapple with the various theories of harm and the role competition law should play in these evolving markets. Possible remedies may include ex-ante and ex-post measures and may go beyond the narrow scope of competition law. They could, for example, focus on consumer empowerment, privacy and data mobility.

The risk of over intervention is clear – it may chill innovation and investment. At the same time, the risk of under enforcement is also notable and significant, and may result in clear consumer harm.

We should all hope, that our enforcers and elected representatives will rise to the challenge, resist capture, and develop an inclusive data-driven economy which safeguards both innovation and consumer welfare and which benefits society as a whole.
The Roar of the Turquoise Dragon: Investigating Law in Medieval Tibet

The concept of law was as great a puzzle for traditional Tibetan scholars as it is for contemporary legal theorists. Over the course of several centuries, Tibetans tried to make sense of what law was, or should be, and to account for the relationship between law, morality, and religion. Yet the issues they faced seemed as inscrutable as those that confront scholars of modern jurisprudence.

People everywhere have means of resolving conflict, and jurisprudence develops when they begin to write down their rules. In seventh-century Tibet, trading links with merchants on the silk roads and warfare with China led tribal leaders to develop written forms of law, but legal texts indicate a hierarchical system of compensation for injuries, laws to regulate interest, land sales, and guarantees, and complicated rules for legal procedure. So far, so pragmatic. But then the Tibetans adopted Buddhism. The religion already had ancient roots in India, and its emphasis on compassion, non-violence, and renunciation was hardly suited to the activities of the war-like Tibetans. But their kings were entranced by the cultural sophistication of their neighbours in China and India, so they adopted its practices and ideas, and sent their scholars off to work out what Buddhist law, morality, and religion. Yet the issues they faced continued into the twentieth century. And how were the basic Buddhist virtues to be turned into law, and reconciled with rules about compensation payments, oath-taking, ordeals, divorce settlements, and fees payable to court officials? Buddhism prohibited lying, anger, avarice, gossip, and ‘wrong religious views’, but these principles hardly provided a useful basis for the pragmatic business of government. Scholars did their best to develop a Buddhist jurisprudence, but reconciling moral ideals with positive practices was a challenge.

These difficulties and challenges are evident in a set of guidelines for judges and mediators, written in the early fifteenth century. Clearly based on actual practices, though prefaced with an idealistic account of Buddhist law, it is presented as ‘the roar of the turquoise dragon’. The metaphor is still a puzzle, and the legal language is mind-bendingly obscure, but the text offers glimpses into the issues that faced contemporary mediators—it describes the outraged claims of a victim’s family, the difficulty of reconciling feuding nomads, and the clever strategies by which an (alleged) thief might try to avoid being punished. The text was written by, or for, a local ruler shortly after the collapse of the Mongol empire, when it seemed that a new Tibetan state would be established. The writer was clearly attempting to centralize and systematize fragmented legal practices, but by prefacing his guidelines with a long discussion of religious morality, he clearly wants to present himself as a Buddhist ruler.

The instinct to bring together law and morality motivated medieval Tibetans just as much as it exercises modern legal scholars.

Fernanda Pirie
This project was funded by the AHRC.

Changing Contours of Criminal Justice
Edited by Mary Bosworth, Carolyn Hoyle, and Lucia Zedner
Published by Oxford University Press
2016 was the 50th Anniversary of the founding of the Oxford Centre for Criminology. Amid a busy year of celebrations, the Centre’s members past and present joined together to produce an edited collection of essays intended to showcase the best of Oxford Criminology and, more importantly, to explore the changing contours of criminal justice over the past half century.

All the authors of the 19 essays in this volume have, or had, a connection with the Centre for Criminology either as staff or students. Much of the ground-breaking scholarship undertaken in the Centre relates as much to Criminal Justice as to Criminology and it is the ‘changing contours’ of criminal justice that these essays address. All the authors eagerly took up the invitation to reflect on the impact Oxford criminology has had, throughout its history, on the evolution of criminal justice scholarship and the wider world of criminal justice practice. Oxford has played a leading role in identifying new research areas now accepted as central to the study of criminology – victims, restorative justice, security, privatization, terrorism, citizenship and migration (to name but a few). All were topics unknown to the discipline half a century ago. Indeed, most criminologists would have once stoutly denied that they had anything to do with it. Addressing diverse domains, the essays reflect on the changing interactions between criminal justice scholarship and developments in policy and practice. They appraise the current state of criminal justice around the world and consider the future of relations between academics and criminal justice professionals. The volume was launched at a day conference in the Faculty of Law in December 2016, at which it was warmly received. A recent review in the international journal Theoretical Criminology concludes, ‘the Oxford Centre researchers whose work is showcased in Changing Contours ... certainly transmit a principled optimism about the uses and futures of criminal justice research. The verve with which they write, their proven interest in searching out new fields of the argument, and the acuity of the analyses presented suggest that their optimism is not without foundation.’ The editors are similarly hopeful that the volume will prove to be an enduring commemoration of a very happy fiftieth anniversary.

The Law of Contract in Myanmar
Adrian Briggs and Andrew Burrows (2017)
This is the second volume produced under the auspices of the Oxford–Burma/Myanmar law programme, and made freely available on the Faculty website (with a limited number of hard copies being printed through the generous help of OUP). This volume, by Adrian Briggs and Andrew Burrows, is the first comprehensive textbook on the law of contract in Myanmar. The principal aims of the book are as follows. First is to show those teaching and learning (and, one hopes, soon writing about) contract law in universities in Myanmar how the law actually works and should be thought about as Myanmar re integrates itself into the world of commerce: the country is going to need good lawyers, and robust tools will be needed to make them.

Another is to show those dealing with counter-parties in Myanmar that the local law of contract is sensible, functional, predictable, and fit for use. A third is to pave the way for such limited law reform as seems to be required, which may yet prove to be of interest to those in Myanmar charged with such tasks.

In addition to the assistance that the authors hope to have offered to Myanmar, the research required for the book proved fascinating. Burma adopted (or had foisted upon it, depending upon one’s perspective) the Contract Act 1872 drafted for British India; and the courts in Rangoon, from 1900 to 1970, produced a distinctive jurisprudence upon it. Most of the judgments from the courts are clear, concise, and to the point. They deal with familiar common law principles, not always in familiar ways. The way the Burmese courts dealt with contract law is discussed in Myanmar how the law actually works and should be thought about as Myanmar re integrates itself into the world of commerce: the country is going to need good lawyers, and robust tools will be needed to make them.

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when a contract ‘becomes void’ in this way. The law which we explain as restitution or unjust enrichment appears in the Act under the heading of ‘certain relations resembling those created by contract’, and is much illustrated, in particular, by cases of intervention, necessities or opportunistic, in the affairs of another in time of war and foreign invasion. A common lawyer will find much of interest, and much to admire, in the way the common law of contract flourished in Burma, and may flourish again in Myanmar.

More than One Offense. Sentencing for Multiple Crimes

Edited by Jesper Ryberg, Julian V. Roberts and Jan De Keijser
Published by Oxford

University Press, October 2017

Most people’s image of a sentencing hearing involves an offender being sentenced for a single crime. Questions about legal punishment are framed from this perspective: What is an appropriate sentence for a crime of this seriousness, committed by an offender with this level of culpability? How much time in prison does the offender deserve for this offence? The sentencing exercise is simplified when there is only a single crime for which sentence must be imposed. As often as not, however, the offender stands convicted of multiple crimes. These may be multiple counts of the same offence (a series of burglaries or thefts) or they may be a constellation of diverse crimes (two burglaries; an assault; possession of stolen property and possession of a weapon). Can the approach to sentencing single crimes be directly applied to multiple count cases? Not easily. Transposing the logic of single offence sentencing – assigning a specific sentence for each crime independent of the other, and cumulating the total sentences – creates a number of problems. Sentencing multiple offences has been described as ‘the most complicated topic in criminal law – in those countries that care about it at all’. This is the first scholarly volume to examine the sentencing of multiple crimes from an interdisciplinary perspective. Contributors explore the justifications for adopting a different approach when sentencing multiple offenders, one which results in more lenient sentences than would be the case if the crimes had been committed (and punished) as single offences. The contributions are drawn from a range of disciplines, including law, philosophy and criminology, and the authors represent a range of countries.

Gender Equality in Law: Uncovering the Legacies of Czech State Socialism

Barbara Havelková

Gender equality law in Czechia, as in other parts of post-socialist Central and Eastern Europe, is facing serious challenges. When obliged to adopt, interpret and apply anti-discrimination law as a condition of membership in the EU, Czech legislators and judges have repeatedly expressed hostility and demonstrated a fundamental lack of understanding of key ideas underlying it. This important new study explores this scepticism to gender equality law, examining it with reference to legal and socio-legal developments that started in the state-socialist past and that remain relevant today.

The book examines legal developments in gender-relevant areas, most importantly in equality and anti-discrimination law. But it goes further, shedding light on the underlying understandings of key concepts such as women, gender, equality, discrimination and rights. In so doing, it shows the fundamental intellectual and conceptual difficulties faced by gender equality law in Czechia. These include an essentialist understanding of differences between men and women, a notion that equality and anti-discrimination law is incompatible with freedom, and a perception that existing laws are objective and neutral, while any new gender-progressive regulation of social relations is an unacceptable interference with the ‘natural social order’. Timely and provocative, this book will be required reading for all scholars of equality and gender and the law.

Professor Judy Fudge, of Kent Law School said, ‘Tracing gender equality norms from their origins under state socialism, Havelková shows how the dominant understanding of the differences between women and men as natural and innate combined with a post-socialist understanding of rights as freedom to shape the views of key Czech legal actors and to thwart the transformative potential of EU sex discrimination law. Havelková’s compelling feminist legal genealogy of gender equality in Czechia illuminates the path dependency of gender norms and the antipathy to substantive gender equality that is common among the formerly state-socialist countries of Central and Eastern Europe.’

Book launch for The Contract of Employment

In the course of this academic year, two book presentations have been held for The Contract of Employment. The book, published by Oxford University Press in May 2016, is a comprehensive treatise on law of the contract of employment, comprised of chapters by twenty authors, six of whom are members of the Oxford Faculty of Law.

The first presentation was held at Brasenose College, Oxford Oxford at the kind invitation of the Principal, John Bowers QC. This was a venue of historic significance to the labour law community as the Oxford college at which Professor Sir Otto Kahn-Freund, the founding father of labour studies in the United Kingdom, held the Chair of Comparative Law.

After a welcome by the Dean, Professor Anne Davies, the first session was chaired by Sir Nicholas Underhill, Lord Justice of Appeal; the session concentrated on questions about legal punishment are framed from this perspective: What is an appropriate sentence for a crime of this seriousness, committed by an offender with this level of culpability? How much time in prison does the offender deserve for this offence? The sentencing exercise is simplified when there is only a single crime for which sentence must be imposed. As often as not, however, the offender stands convicted of multiple crimes. These may be multiple counts of the same offence (a series of burglaries or thefts) or they may be a constellation of diverse crimes (two burglaries; an assault; possession of stolen property and possession of a weapon). Can the approach to sentencing single crimes be directly applied to multiple count cases? Not easily. Transposing the logic of single offence sentencing – assigning a specific sentence for each crime independent of the other, and cumulating the total sentences – creates a number of problems. Sentencing multiple offences has been described as ‘the most complicated topic in criminal law – in those countries that care about it at all’. This is the first scholarly volume to examine the sentencing of multiple crimes from an interdisciplinary perspective. Contributors explore the justifications for adopting a different approach when sentencing multiple offenders, one which results in more lenient sentences than would be the case if the crimes had been committed (and punished) as single offences. The contributions are drawn from a range of disciplines, including law, philosophy and criminology, and the authors represent a range of countries.

Gender Equality in Law: Uncovering the Legacies of Czech State Socialism

Barbara Havelková

Gender equality law in Czechia, as in other parts of post-socialist Central and Eastern Europe, is facing serious challenges. When obliged to adopt, interpret and apply anti-discrimination law as a condition of membership in the EU, Czech legislators and judges have repeatedly expressed hostility and demonstrated a fundamental lack of understanding of key ideas underlying it. This important new study explores this scepticism to gender equality law, examining it with reference to legal and socio-legal developments that started in the state-socialist past and that remain relevant today.

The book examines legal developments in gender-relevant areas, most importantly in equality and anti-discrimination law. But it goes further, shedding light on the underlying understandings of key concepts such as women, gender, equality, discrimination and rights. In so doing, it shows the fundamental intellectual and conceptual difficulties faced by gender equality law in Czechia. These include an essentialist understanding of differences between men and women, a notion that equality and anti-discrimination law is incompatible with freedom, and a perception that existing laws are objective and neutral, while any new gender-progressive regulation of social relations is an unacceptable interference with the ‘natural social order’. Timely and provocative, this book will be required reading for all scholars of equality and gender and the law.

Professor Judy Fudge, of Kent Law School said, ‘Tracing gender equality norms from their origins under state socialism, Havelková shows how the dominant understanding of the differences between women and men as natural and innate combined with a post-socialist understanding of rights as freedom to shape the views of key Czech legal actors and to thwart the transformative potential of EU sex discrimination law. Havelková’s compelling feminist legal genealogy of gender equality in Czechia illuminates the path dependency of gender norms and the antipathy to substantive gender equality that is common among the formerly state-socialist countries of Central and Eastern Europe.’

Book launch for The Contract of Employment

In the course of this academic year, two book presentations have been held for The Contract of Employment. The book, published by Oxford University Press in May 2016, is a comprehensive treatise on law of the contract of employment, comprised of chapters by twenty authors, six of whom are members of the Oxford Faculty of Law.

The first presentation was held at Brasenose College, Oxford Oxford at the kind invitation of the Principal, John Bowers QC. This was a venue of historic significance to the labour law community as the Oxford college at which Professor Sir Otto Kahn-Freund, the founding father of labour studies in the United Kingdom, held the Chair of Comparative Law.

After a welcome by the Dean, Professor Anne Davies, the first session was chaired by Sir Nicholas Underhill, Lord Justice of Appeal; the session concentrated on questions about legal punishment are framed from this perspective: What is an appropriate sentence for a crime of this seriousness, committed by an offender with this level of culpability? How much time in prison does the offender deserve for this offence? The sentencing exercise is simplified when there is only a single crime for which sentence must be imposed. As often as not, however, the offender stands convicted of multiple crimes. These may be multiple counts of the same offence (a series of burglaries or thefts) or they may be a constellation of diverse crimes (two burglaries; an assault; possession of stolen property and possession of a weapon). Can the approach to sentencing single crimes be directly applied to multiple count cases? Not easily. Transposing the logic of single offence sentencing – assigning a specific sentence for each crime independent of the other, and cumulating the total sentences – creates a number of problems. Sentencing multiple offences has been described as ‘the most complicated topic in criminal law – in those countries that care about it at all’. This is the first scholarly volume to examine the sentencing of multiple crimes from an interdisciplinary perspective. Contributors explore the justifications for adopting a different approach when sentencing multiple offenders, one which results in more lenient sentences than would be the case if the crimes had been committed (and punished) as single offences. The contributions are drawn from a range of disciplines, including law, philosophy and criminology, and the authors represent a range of countries.

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Miles Jackson

Miles Jackson has been appointed as an Associate Professor in Law, in association with a tutorial fellowship at Jesus College. He holds MA and DPhil degrees from the University of Oxford and an LLM degree from Harvard Law School. His doctoral research, supported by a Rhodes Scholarship, was on complexity in international law and was published by Oxford University Press in 2015. Before taking up his Associate Professorship, Miles was a Departmental Lecturer in International Law and Global Justice Research Fellow at the University of Oxford. His research focuses on a range of issues in international law, including jurisdiction, immunities, and the law of state responsibility, as well as in international and domestic criminal law. He has published in a number of leading journals, including the European Journal of International Law. His work was awarded the Cassese Prize for International Criminal Law in 2017, a biennial prize given to the most original and innovative article published in the Journal of International Criminal Justice. Miles was previously the Convenor of Oxford Transitional Justice Research and currently sits on the Faculty Board of Oxford Pro Bono Publico. He has also practiced law in the United States and clerked at the Constitutional Court of South Africa and Bono Publico. He has also practiced law in the United States and clerked at the Constitutional Court of South Africa and Bono Publico. He has also practiced law in the United States and clerked at the Constitutional Court of South Africa and Bono Publico.

Helen Scott

Helen Scott studied classics and law at the University of Cape Town and subsequently completed BCL, MPhil and DPhil degrees at Oxford. Her research interests fall within the comparative law of obligations and civilian legal history (particularly Roman law). Although the subject of her DPhil (and subsequent monograph) was unjust enrichment, her major research project at the moment concerns the history of the foreseeability concept which dominates both Aquilian liability in South African law and the tort of negligence in the common law, and she is also working on a textbook on the South African law of delict. Before taking up her current position at LMH she was a Professor of Private Law at UCT, where she taught comparative legal history, delict, unjustified enrichment, and Roman law. Between 2005 and 2009 she was a Fellow and Tutor in Law at St Catherine’s College, and before that a Fixed Term Fellow in Law at Trinity College; she was also a visiting professor at the Université Panthéon-Assas (Paris II) for six years until 2014. She will be teaching Roman law, tort, contract, and unjust enrichment at Oxford.

Shona Minson

After graduating from St Anne’s College with a BA in Jurisprudence Shona was called to the Bar of England and Wales and practiced criminal and family law from 1 King’s Bench Walk, London. She obtained an MSc (Distinction) from the University of Surrey in Criminology, Criminal Justice and Social Research in 2012. Her Masters research explored the impact of motherhood as mitigation in criminal sentencing using interviews with members of the judiciary and an analysis of sentencing transcripts. Shona then moved to the Centre for Criminology at the University of Oxford and funded by the ESRC she undertook DPhil research which analysed the place of children in maternal sentencing decisions in England and Wales. She explored the status of children of prisoners in English law and engaged directly with children and their carers to explore the nature of the impact of maternal imprisonment. She also interviewed members of the Crown Court judiciary to examine sentencing practice. She completed the DPhil in early 2017. Shona is now Research Officer on an ESRC Impact Acceleration Award funded project in association with the Prison Reform Trust and Dr Rachel Condry. Addressing the Impact of Maternal Imprisonment: Developing Collaborative Training aims to build on the findings of her doctoral work and provide information, in the form of films, to sentencers and legal professionals to aid consistency and understanding in maternal sentencing decisions.

NEW RESEARCH STAFF

Rudina Jasini – ESRC GDF Stipendial Fellow
Camilla Pickles – British Academy Postdoctoral Fellowship
Maria Tidball – TDCR K6 Fellowship
You can read more about Rudina, Camilla and Maria in this issue.

Ruth Bird

In February, the Bodleian Library and the Faculty of Law held a joint event to mark the retirement of Ruth Bird as Librarian. Many of Ruth’s friends and colleagues from the Law Library, the faculty and the wider university came together to celebrate Ruth’s remarkable contribution to the Law Library over the past thirteen years and to wish her well for the future.

Ruth came to Oxford in 2004 from Melbourne, where she had been working as a legal information manager for a large law firm. The Bodleian Law Library has undergone significant development under Ruth’s leadership, including a reclassification of the text collection, and the provision of improved resources and workspaces for postgraduate students. More recently, Ruth has steered the library through the St Cross Building refurbishment project, working to secure substantial improvements to the library for readers and staff, whilst continuing to provide the best possible reader services during a time of significant disruption.

Ruth has played an important role in the wider world of law librarianship and in the legal community more generally. She was a member of the Council of the British and Irish Association of Law Librarians from 2008 to 2011, and is currently First Vice President of the International Association of Law Libraries. She was made an Honorary Bencher of Middle Temple in 2010. Ruth will be remembered for her passionate advocacy for the Bodleian Law Library, both within Oxford and the wider world, for her inspirational leadership of the library staff, and for her deep commitment to improving readers’ experience. Ruth was presented with some reminders of her years in Oxford, including a Bodleian book stand and a watercolour of the Law Library reading room, and moves on to the next chapter in her life with the warmest wishes of her friends and colleagues.

Alan Bogg

Alan received his undergraduate and graduate education in Oxford, being awarded his BA in Law (first class) in 1997. Thereafter, he was awarded the degrees of BCL (first class) and DPHIL. Following a period as a lecturer at the University of Birmingham, Alan returned to Oxford in 2003 to take up his fellowship at Hertford College.


Ben Bradford

Ben Bradford is leaving the Centre for Criminology to take up the post of Professor of Global City Policing at University College London. Ben’s research focuses primarily on issues of trust and legitimacy as these apply to the police and the wider criminal justice system. International and cross-national comparisons of these issues are a growing research interest, and his work has a particular emphasis on procedural justice theory and the intersection of social-psychological and sociological explanatory paradigms. He is the author of numerous articles on these topics and has recently written a book on Stop and Search and Police Legitimacy (Routledge: 2016). He has collaborated with the London Metropolitan Police, the College of Policing and other agencies on research projects concerned with improving police understanding of public opinions and priorities. Ben will continue to collaborate with members of the Centre for Criminology.

Ian Loader

Ian Loader
Alexandra Braun

Alexandra Braun was Professor of Comparative Private Law based at Lady Margaret Hall and a Research Fellow at the Institute of European and Comparative Law. Alexandra arrived in Oxford as a RJT at St. John's College in 2004 and took up her post at Lady Margaret Hall in 2010. In 2014 she became a Deputy Director of the Institute of European and Comparative Law in Oxford and the Academic Director of Undergraduate Exchange Programmes.

Alexandra has published in the fields of succession law and the law of trusts, particularly in historical and comparative contexts. She has also researched the development of legal scholarship and its impact upon judicial decision-making. Alexandra has recently published a collection of papers on will-substitutes and is currently completing a monograph on testamentary promises. Her teaching interests include comparative private law and legal history as well as core areas of private law such as Trust Law, Succession Law and Contract Law. Alexandra taught A Roman Introduction to Private Law, Trust Law, Land Law and Comparative Private Law in the undergraduate programme as well as Advanced Property and Trusts on the BCL/MJur course.

Alexandra is moving to the University of Edinburgh to take up the Lord President Red Chair of Law.

Martin Brenncke

Martin joined the Faculty of Law in 2015 as Erich Brest Career Development Fellow in German and European Union Law. He holds degrees from the University of Rostock, Germany (first state examination in law), the University of Cambridge (LLM) and the University of Zurich, Switzerland (Dr. iur.). Martin’s research interests lie mainly in EU law, financial services law and legal methodology. In the past, he has been a Visiting Fellow or Researcher at the institute of Advanced Legal Studies (London), the British Institute of International and Comparative Law (London) and the University of Cambridge.

Martin was based at St. Hilda’s College, and is moving to Aston Business School.

Paul Davies

Paul read Oriental Studies (Japanese) and then Law at Downing College, Cambridge, and spent a year in Paris studying French Law. After graduating, Paul worked in the Property and Trust Law Team at the Law Commission, and was called to the Bar by Lincoln’s Inn. He remains an Associate Member of Matland Chambers.

He became a Fellow and College Lecturer in Law at Gonville and Caius College, Cambridge, in 2008, and was also a Newton Trust Lecturer in the Faculty of Law. He joined the Oxford Faculty of Law as a CUF Lecturer in April 2013, and is a Fellow of St Catherine’s College.

Paul’s teaching and research centre primarily in the law of obligations and property. He is the author of Accessory Liability (Hart Publishing, 2015), which was the joint second prize winner of the 2015 Society of Legal Scholars Peter Birks Book Prize for Outstanding Legal Scholarship. Paul is also a co-author of Equity and Trusts: Text, Cases and Materials (2nd ed, OUP, 2016 (with Graham Virgo)), the author of JC Smiths The Law of Contract (OUP, 2016) and is one of the editors of Shanks’s Equity. Paul’s work has been cited by the Supreme Court and the Court of Appeal, as well as by courts in Australia, New Zealand and Singapore.

Paul is taking up the Chair in Commercial Law at University College London.

Denis Galligan

Professor Denis Galligan (LLB 1970, BCL 1974, MA 1976, DCL 2000) joined the Faculty of Law at the University of Oxford in 1993 as Chair in Socio-Legal Studies and Professorial Fellow at Wolfson College. He also became Director of the Oxford Centre for Socio-Legal Studies, and led it until 2008. His academic career has included teaching at universities in Australia, Britain, Italy, the USA and Eastern Europe, at various times becoming Dean of the Law School at Southampton, Jean Monnet Professor of European Public Law at the Università degli Studi di Siena, Visiting Professor at the Woodrow Wilson School of Public and International Affairs at Princeton University and Visiting Professor at the Central European University in Budapest. His many publications include Law and Modern Society (2007), Due Process and Fair Procedures (1997) and Discretionary Powers (1997).

Denis Galligan’s research deals with the role of law in society, the social foundations of constitutions, the relationship between law and justice in transitional societies, and the theory of administrative law. His recent work seeks to demonstrate the relationship between constitutions and their social foundations, moving well beyond the assumption of normative ideals or the doctrinal analysis of constitutional texts. Instead Denis examines the role that constitutions play in the social, economic, and political order, the historical formation and development of key constitutional concepts, the place of the people within western constitutions with an emphasis on the meanings and understandings that are attributed to constitutional issues, and the notion of constitutional success and failure.

Throughout his career, Professor Galligan has combined academic work with making a solid contribution to practice and policy making. In 2001 - 2002 he was commissioned to advise Pakistan on its constitution, working with a high-level team under government supervision. He has frequently been invited to advise on governance issues, both by organisations such as the OECD, the OSCE, the World Bank, the UK Department for International Development and the European Commission, and by individual governments including those of Albania, Bulgaria, Estonia, Hungary, Macedonia, Georgia, Poland, and Slovakia. He is also co-Director of the Foundation for Law, Justice, and Society, an independent institution based at Wolfson which brings the fruits of academic research to a wider professional audience.

Sarah Green

Sarah joined the Oxford Faculty of Law in September 2010, as a fellow of St Hilda’s College. Her research focuses on the causal element of the negligence inquiry and the interface between tort and property, with a particular emphasis on the law’s treatment of intangibles. In December 2014, Sarah published a monograph entitled Causation in Negligence with Hart Publishing. Her previous book was The Tort of Conversion (Hart Publishing, 2009) with John Randall QC, the first major work on the subject in English law. She has published various articles on aspects of tort, property and contract in a wide range of journals, including the Conveyancer and Property Lawyer, Journal of Business Law, Law Quarterly Review, Lloyd’s Maritime and Commercial Law Quarterly, Medical Law Review and Modern Law Review. In terms of teaching, Sarah’s principal interests lie in Torts, Personal Property and Contract, reflecting her research interests in the fields of private law and commercial law.

Sarah is leaving the Faculty for a chair at the University of Bristol.

Charles Manson

The Tibetan subject consultant librarian at the Bodleian Libraries may be an unlikely member of the Faculty of Law, but Charles Manson has provided invaluable support as a researcher on the AHRC-funded project, Legal Ideology in Tibet, over the past two years. Based at the Centre for Socio-Legal Studies, Charles has spent hours painstakingly scouring medieval sources for references to law and carefully translating their frustratingly difficult prose. Metaphorical references to dragons, conch shells, and avalanches have provided subjects for hours of heated debate – what could the demon-slaying sword possibly mean in the context of life-compensation? – but gradually he and I have turned ourselves into experts on the technical and metaphorical language of early Tibetan legal texts.

The project has now reached its conclusion, with the establishment of a website of sources in both the original and translation. Charles will continue his work at the Bodleian Libraries and with the Tibetan collections at the British Library, but the experience he has acquired while working on this project will mean that he remains a valuable source of expertise on Tibetan law for many people in the years to come.
MOOTING

Herbert Smith Freehills Oxford Disability Mooting Championship

The issues of law on appeal in this year’s competition were about equal access to education for people with disabilities. Lead Counsel for the championship winning team, Katie Ratcliffe, on participating in the competition: “Through competing, my eyes were opened to the challenges involved in establishing genuinely inclusive spaces for people with disabilities. It was a privilege to take part in such an inspiring event.”

Moot problem for this year’s Grand Final was based on the facts in the Miller case. The Grand Final was presided over by Professor Catherine O’Regan, a former Justice of the South African Constitutional Court, and now Director of the Bonavero Institute of Human Rights. She was joined by Professor Anne Davies, John Bowett QC (Principal of Brasenose College), Professor Wolfgang Ernst, Shane Finn (Christ Church), Lord Justice Sir Nicholas Bratza (Former President of the European Court of Human Rights), Professor Kate O’Regan (Director of the Bonavero Institute of Human Rights), Monika Bickert (Head of Policy Management at Facebook) and Dr. Harjinder Obhi (Director of Litigation at Google). In a very closely contested final round, the team lost out by a narrow margin and were declared Overall Runners Up.

Monroe E Price Media Law Moot Court Competition

The International Rounds of the 10th Annual Price Media Law Moot Court Competition were held at the Centre for Socio-Legal Studies, University of Oxford with 38 teams from across the world. The team representing the University of Oxford comprised of two undergraduate students, Mr Alex Benn (St. Catherines) and Ms Ioana Burtea (Merton) and was coached by Ms Mansi Sood (MSC Candidate, Balliol). After defeating several strong teams including the University of Amsterdam and the University of San Carlos, Philippines, the team had a chance to compete in a scintillating Grand Final against the Singapore Management University. This is only the second time that Oxford has reached the Grand Final of the Price Media Law Moot Court Competition. The panel for the Grand Final consisted of several eminent judges including Sir Nicholas Bratza (Former President of the European Court of Human Rights), Professor Kate O’Regan (Director of the Bonavero Institute of Human Rights), Monika Bickert (Head of Policy Management at Facebook) and Dr. Harjinder Obhi (Director of Litigation at Google). In a very closely contested final round, the team lost out by a narrow margin and were declared Overall Runners Up.

The University of Oxford 7KBW Commercial Law Moot

Hosted by leading commercial law chambers 7 King’s Bench Walk (“7KBW”), and organised by the St Hilda’s College Law Society, the competition brought together 24 students from across the university. The moot problem concerned the defence of illegality and exemplary damages in tort.

Presiding over proceedings were the Rt Hon Sir Stephen Tomlinson, Adam Fenton QC, Julia Dias QC. While the bench praised all four finalists for their skill and legal knowledge, ultimately Esther Mak (Univ) and Keith Chan (Oriel) triumphed over Sebastian Bates (Keble) and Thomas Foxton (St Peter’s).

International Roman Law Moot Court Competition

The Tenth International Roman Law Moot Court Competition was held in Trier. This year’s libellus involved two claims, one concerning the requisite formality for creation of wills at times of plague, and the other surrounding the effect, if any, of a person raising his hand to wave at his friend in an auction. Although the libellus is set in the AD 500s, similar questions have continued to trouble modern day jurisprudists, as is evidenced by the often-discussed ‘Trier wine case’ in modern textbooks. The Oxford team eased through the preliminary rounds, but was unfortunately beaten by the narrowest of margins in the semi-Final by the University of Tübingen.

The Grand Final was judged by eminent judges including Sir Nicholas Bratza (Former President of the European Court of Human Rights), Professor Kate O’Regan (Director of the Bonavero Institute of Human Rights), Monika Bickert (Head of Policy Management at Facebook) and Dr. Harjinder Obhi (Director of Litigation at Google). In a very closely contested final round, the team lost out by a narrow margin and were declared Overall Runners Up.

Shearman & Sterling University of Oxford Moot Court Competition

The Grand Final was judged by the Rt Hon Sir David Keene PC, a former Lord Justice in the Court of Appeal of England and Wales. The finalists were Mr Robert Bellin and Mr Daniel Freud (appellants), and Mr Thomas Lowenthal and Ms Melody Ihuoma (respondent), all from Balliol College. The winners, pictured here, were Mr Lowenthal and Ms Ihuoma. Congratulations to all who took part.

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LSE-Featherstone Sexual Identity and Gender Orientation Moot

Two Oxford teams have competed in the inaugural LSE-Featherstone Sexual Identity and Gender Orientation Moot, named after the LGBT rights campaigner Baroness Lynne Featherstone. The weekend saw more than 150 participants tackling discrimination and harassment law in a case modelled on the Northern Irish Ashers bakery dispute, where one Oxford team emerged victorious, and the second reached the semi-final.

Ms Clara Ludot (St Hugh's), Ms Eilis O’Keeffe (Balliol), Ms Alice Irving (Merton), Ms Charlotte Kelly (Balliol), and Ms Alice Irving (Merton) proceeded to the grand final of the competition against a team from BPP Law School. The panel judging the grand final consisted of: Justice Ross Cranston (Justice of the High Court, former Solicitor General), Gillian Phillips (Director of Editorial Legal Services for the Guardian News and Media Limited and Employment Tribunal Judge), Karon Monaghan QC (Barrister at Matrix Chambers), Aileen McColgan (Barrister at Matrix Chambers and Professor of Human Rights Law at King’s College London), and Sarah Hannett (Barrister at Matrix Chambers). The Oxford team won the competition in the grand final, with Alice Irving being named Best Advocate.

Nelson Mandela World Human Rights Moot Court Competition 2017

The University of Oxford, participating for the first time in the competition, finished second in the oral rounds of the Nelson Mandela World Human Rights Moot Court Competition held in Geneva in July 2017. In the final results, Oxford finished second out of the 36 teams with a final average percentage of 89.60%, just 0.03% behind eventual winners St Thomas University, Canada. However, because Oxford falls in the same UN region as St Thomas, the University of Buenos Aires, who had finished third, instead qualified to argue in the final which was won by St Thomas. Our team members, Tsvetelina van Benthem and Weiran Zhang, both finished in the top 10 individual oralists, Tsvetelina finishing 6th and Weiran 3rd overall.
Peace Palace Visit

Professor Antonios Tzanakopoulos, convenor of the International Dispute Settlement (IDS) course of the MJur and BCL, organised a trip to the Peace Palace, the seat of the International Court of Justice and the Permanent Court of Arbitration in The Hague for IDS students. A highlight of the trip for students was sitting in the provisional measures hearings of a case between Ukraine and Russia at the ICJ, after which they met with ICJ Judges Christopher Greenwood, James Crawford, and Giorgio Gaja, as well as Counsel for Ukraine Prof Harold Koh and Counsel for Russia Prof Zimmermann and Sam Wordsworth QC.

The LMH Oxford ADR Competition 2017

Sponsored by Herbert Smith Freehills and run by the Lady Margaret Hall Law Society, the LMH Oxford ADR Competition remains the only legal negotiation competition run for Oxford University students. As the competition entered its second year, it proved bigger and better than ever. The number of applicants tripled and the standard of applications was incredibly high. The LMH Law Society doubled the number of competitors such that 32 people from 11 different colleges had a chance to take part and test different skills to mooting across the 8 weeks. We doubled the number of rounds which meant the live final was a truly astonishing display of negotiation techniques and strategy.

Our panel of judges for the Final was phenomenal and including a range of professionals, all of whom were experts in their respective fields: independent commercial mediators Jonathan Lloyd-Jones and Stephen Walker alongside Daniella Horton, the Honorary Secretary at the London Maritime Arbitration Association, and Sid Shakla from HSF.

At the prize giving ceremony, trophies were awarded to the winners. Jan Schwarzfischer and Akstar Hankey, both from St John’s College. Trophies were also awarded to the runners-up: Wenyi Gaia Shen, from Somerville, and Olusowatimi Adejuyigbe, from St Hilda’s College. Special Awards were also given out for a range of achievements in round one, such as Best Public Speaker and Best Relationship Building.

The prize-giving ceremony was followed by a drinks reception with a chance to talk to the panel of judges and other members of HSF.

Sanja Bogojевич

New Fintech and SmartLaw Society

A group of current MLF students has set up a Fintech & SmartLaw Society (Oxford FSS). The society’s goal is to discuss the impact that disruptive technologies are having on the landscape of business, legal practice and regulation. FSS is being supported by the Faculty of Law.

www.fintech-smartlaw-society.webnode.com

The aim is to invite academics and professionals with industry experience to lead the discussion on these topics, and we aim to encourage all attendants to voice their opinion.

Blockchain presentation

The aim of this event was to develop an understanding of blockchain as a disruptive technology and in particular to explore the implications of blockchain for the legal and financial industries. The guest speakers were Dr Philip Paech, Professor of Law at the London School of Economics and Ivo Slaganov who completed his DPhil in Computer Science at Oxford. Ivo’s thesis focuses on blockchain, and he is the co-founder of Vibby.com. Philipp is the director of the LSE’s Law and Financial Markets Project and he specialises in blockchain and its potential applications within the legal field.

Fintech seminar

This seminar focused on the current state of the fintech industry, the challenges that it faces and why it may be a desirable career path for graduate students. The members of the discussion panel were John Armour, Hogan Lovells Professor of Law and Finance at Oxford, and Lisa Rabbe, director on the board of several fintech companies. John is currently carrying out research on fintech and its regulatory challenges. He has published widely in the fields of company law, financial regulation and corporate insolvency. Lisa is also working on a regtech initiative with the FCA. Prior to this, Lisa was head of Government Policy at Goldman Sachs and Credit Suisse. She has been recognised by Financial News as one of the ‘100 most influential women in Finance’.

The DAO Heist: How to Steal $50 Million

The DAO - a virtual venture capital fund that raised over $150 million in 2016 through one of the largest crowdfunding campaigns in history. Strikingly, a hacker managed to steal $50 million from The DAO by exploiting a feature of the code. This raised all sorts of novel questions: Do virtual organisations have a legal personality? Had the hacker committed a theft? Can the tasks of company agents be successfully automated? The guest speaker was Laurence Kirk, an experienced programmer who resides in Oxford. Laurence is a blockchain consultant at Extropy.io and founder of the Ethereum Oxford meet up group. He often delivers talks to banks and law firms on blockchain technology.

L-R: Flavio Cetti, Luca Enriques, Xerina Laper, Alfonso Delgado de Molina Rius, Robin de Vogelaere
The latest addition to the Faculty of Law’s menu of degrees is the MSc in Taxation, a part-time degree taken over two years. Our first cohort of students has come from all over the world, clocking up many air miles to attend the intensive electives and residential courses that make up the degree. The students are mainly working in the area of taxation already and include practising lawyers and accountants, in–house tax directors and academics at other universities, with some more recent graduates who are still engaged in training. It has been exciting, challenging and enjoyable to teach such a diverse and lively group. In addition we hosted students from Sydney, UNSW and Melbourne Universities who are able to take electives in Oxford and gain credits for tax degrees from their home institution. We have also welcomed a number of occasional students who are able to take just one course that interests them.

Teaching on this interdisciplinary degree is shared between academics in the Faculty of Law and at the University of Oxford’s Centre for Business Taxation, a leading centre for tax law research.

In addition to the Faculty and Tax Centre staff (Anzhela Cedelle, Richard Collier, Michael Devereux, Judith Freedman, Glen Loutzenhiser and John Vella), the degree is taught by Visiting Professor Philip Baker QC and Visiting Lecturer Tom Scott. Other visiting lecturers this year were Adam Zalasinski, Legal Officer at the European Commission, Joachim Englisch, Professor of Tax Law at the University of Muenster, Steve Shay, Professor of Practice at Harvard University and Jeff Vanderwalk of the OECD Centre for Tax Policy and Administration. Topics covered include international taxation, UK corporate tax, EU taxation, comparative taxation, the economics of taxation and tax ethics.

The first year students have worked together well, despite living far apart, and have kept in touch through social media groups so that they can share study experiences. The excellent electronic tax resources available from the Bodleian Law Library have helped to make this course a possibility for people living as far away as Hong Kong and Shanghai, whilst those living close to Oxford have been able to visit more often and attend other tax events and conferences organised by the Tax Centre and the Faculty of Law.

Although most of the students have jobs already, some are looking for new opportunities and have been able to access the services of the Oxford Careers Office, as, as well as other specific tax opportunities. Students have obtained offers of training contracts and one student, Styliani Ntoukaki, has been offered an internship with the International Tax Cooperation Unit United Nations Department of Economic and Social Affairs over the summer.

Judith Freedman, Pinsent Masons Professor of Taxation Law

If you are interested in learning more about the tax degree or occasional courses visit our website or contact us at msctax@law.ox.ac.uk.

www.law.ox.ac.uk/msctax

The students have worked exceptionally hard and have also enjoyed many social events at Oxford, both formal and informal. Many students have children and most have challenging jobs to manage alongside their studies. They have juggled these demands on their time cheerfully and effectively.

Thomas Gernay, holder of the James Bullock Scholarship, is a lawyer at Tiberghien, a Belgian tax law boutique. He has been working in tax for 5 years, specialising in corporate tax and international tax issues. He commented that the degree helped him to further his knowledge within his field of specialisation, learn about new areas and better understand the fast-changing tax scene and that the interdisciplinary approach offers real added value.

Karabeth Ovenden, a US lawyer living in the UK, finds that ‘the Oxford MSc in Taxation programme provides the right balance between stimulation and manageability. The part-time nature of the course allows me to focus intensively on my studies during the residential stints, while preserving the flexibility needed to balance my family and other commitments.’

Students range from 25 – 60 years old. They currently live in 12 different countries. A law degree is not a prerequisite for this degree programme. Teaching is delivered in short intensive residential blocks in Oxford so that students can fit their studies around other responsibilities.
The Oxford Careers Service is for life

Stalled career, new ambitions, returning to work after a career break or just curious to raise your head above the parapet? Anyone who went to Oxford can contact Dr Michael Moss, the University’s first alumni-dedicated careers adviser.

Since moving to Oxford from a senior scientific post within Procter & Gamble in Brussels, he has been offering more than 20 Skype calls per week to alumni all over the world.

So who is he seeing and for what sort of advice? There is no stock answer where Oxonians are concerned, but he is seeing a lot of people in their late 20s and early 30s who have already made their mark but want a change. Some of them are lawyers, consultants and bankers. It prompts Moss to note how much Oxford students are still targeted by these types of employers, even to the point of promotional leaflets getting into fresher packs. ‘Another big segment is alumni a year or so out of Oxford, who have been travelling, completed a long internship, or have found their first job did not meet their high expectations.’

Moss has 54 patents to his name and is an inventor, a marathon runner with four daughters and a wine and olive oil producer at a small holding he owns in Italy. Moss has 54 patents to his name and is an inventor, a marathon runner with four daughters and a wine and olive oil producer at a small holding he owns in Italy.

‘That’s not the same as work-life balance,’ he adds. ‘There’s just life, and work is part of it.’

So what are most common categories of advice he gives to Oxonians? ‘Obviously every conversation is unique but there are three general categories: alumni who are confused about what to do, those making a lot of applications but not getting many interviews – in which case we work on the documents, and those attending a lot of interviews but not getting offers – in which case we work on the interview preparation.’

So how does he advise those who are confused about what to do? ‘The most important tool is networking, and the social media platform ‘Linkedin’ is the most powerful way to expand one’s personal network in a targeted way. There are 134,000 Oxonian profiles on LinkedIn, 1300 in Hong Kong, 248 at the BBC, 4400 in the marketing sector, 12,000 studied history and 7100 claim to have the skill of “change management” – and you can search on all of these vectors, connect with individuals and conduct information interviews.’

Do Oxonians present any unique problems? ‘Highly intelligent people can get a long way doing the wrong thing brilliantly so a few tips and tricks can make all of the difference. We can sometimes decide to think less and trust our intuition more. And sometimes when changing career we need to talk less about our past successes as they happened, but translate them into the new context and the new language.’

Do you have a question or advice you would like to share? Email Dr Michael Moss at: m.moss@law.ox.ac.uk

As we look to that future, we would like to ensure that our research endeavor and teaching provision is sustainable for generations to come.

A Legacy gift will help the Faculty to continue to support our leading research programmes and exceptional students. It will help us to maintain our high standards in education and remain a world-class university free to pursue new initiatives and expand the boundaries of scholarship.

Your support will really make a difference. Whether large or small, for graduate scholarships, academic positions, or to support core activities, every gift is valued and appreciated.

Indeed, if you have already left a gift in your will, please think about letting us know so that we have a chance to thank you during your lifetime.

If you would like to know more about leaving a gift to the Faculty in your will, please contact Maureen O’Neill on 01865 281198 or Maureen.oneill@law.ox.ac.uk.

www.campaign.ox.ac.uk/donate/legacies-and-bequests

Thank you
The Oxford Women in Law Group held a meeting on ‘Being Successful—creating well-being and mental resilience in the workplace’ earlier this year. The group was delighted to hear experiences and good advice from speakers Kate Armstrong (management consultant, McKinsey & Company and novelist), Emily Clark (Tax Partner at Travers Smith), James Petkovic (Barrister from One Essex Court) and Elizabeth Rimmer (CEO of LawCare).

The event was open to men as well as women, and focused on the need to maintain balance in order to work at optimal capacity. All the speakers pointed to the need to seek support should it be needed, and they gave valuable information about external sources that are available as well as how to protect oneself using personal change and internal resources. We all need to think about these issues and act before we feel really overwhelmed, and most people and employers will be sympathetic and helpful - it is in their interests as well as that of the employee.
LaidLaw Scholarship

Maia Perradoue, who has just completed her BA in Jurisprudence with Law Studies in Europe, will be staying in Oxford this summer; Maia was awarded a place on the prestigious Laidlaw Undergraduate Research & Leadership Programme, enabling her to develop her research career. The programme, which is running at Oxford for the first time in 2016-17, builds upon Lord Laidlaw's commitment to supporting student development and education.

This year, 18 undergraduates from across the University have been funded to undertake research projects around the world, as well as gaining a leadership qualification and membership of the Institute of Leadership and Management.

Maia's project, ‘Mapping the challenges for environmental law after Brexit: accountability and the courts’, aims to look into the ways in which membership of the EU affects how UK courts enforce environmental legal obligations, to understand what challenges environmental law will face when the UK leaves the EU.

Under EU law, a number of factors contributed to strengthened enforcement of environmental obligations, whereas the domestic mechanisms for legal accountability of public authorities traditionally place a greater emphasis on the discretion of the decision-maker. In light of the deregulatory current animating the ‘Leave’ campaign, the ability of domestic accountability mechanisms to ensure material environmental protection is to be questioned. Maia's project will examine in particular the case law of the Environmental Impact Assessment Directive, to understand what role domestic courts have played in deciding decision-makers to account for environmental protection, to what extent this role was dependent on EU mechanisms, and how such a role could be maintained after Brexit.

Maia's supervisor, Professor Liz Fisher, said, ‘This is an impressive research project. Maia has shown great initiative in identifying her research questions.’ Maia herself said, ‘For me, the dual aspect of research and leadership is invaluable. I believe the challenge of many environmental problems is to motivate citizens and governments to transform our environmental impact, and much of the leadership training focused on connecting people to a vision. Equally, the undergraduate law course does not include a dissertation so it is an exciting challenge to have a project of my own, which will help me decide whether to pursue a PhD.’

The Laidlaw Programme is open to all undergraduate students from all disciplines, and hopes to support up to 50 Laidlaw Scholars over the next two years. Projects are defined by the student, and can be undertaken at any research-intensive institution worldwide, with funding provided for living costs, travel, and lab costs where appropriate. Applications for 2017-18 will open in Michaelmas Term; further details are available from www.laidlaw-ox.ac.uk.

For more information on either of these or how to give to Somerville College, contact Sara Kalim, sara-kalim@some.ox.ac.uk.
How to Fund Your College for Law

Many of our alumni give generously to their colleges to support the study of law, for example, by helping to endow tutorial fellowships or by funding graduate scholarships. As a faculty, we would like to recognise and encourage these wonderful gifts by providing information on our website about college fundraising appeals for law. Our page ‘Alumni Giving: How to Fund your College in Law’ is still under construction, but please check back regularly as we add more detail over the coming months.

www.law.ox.ac.uk/alumni-giving

One Essex Court Scholarship

The Faculty is thrilled to announce a new scholarship commencing in 2017/18. The chambers One Essex Court will fund an Oxford Law scholarship for one BCL student of £10,000 each year for the next three years. The inaugural scholar, Paul Findley, will have the option of a mini-pupillage at Chambers. Open to all BCL students, applications are sought from students with an excellent academic record, financial need and strong preference will be given to candidates who have an interest in proceeding to the commercial bar. We thank One Essex Court for this new opportunity, and congratulate Paul on his award.

John Armour

John Armour is the Professor of Law and Finance at Oxford. He read Law at Oxford, completing the BA in Jurisprudence and the BCL, before doing the LLM at Yale Law School. He began his academic career at the University of Nottingham, then moved to the University of Cambridge, where he worked in the Law Faculty and the interdisciplinary Centre for Business Research. In 2007 he returned to Oxford to take up his chair. John’s main research interest lies in the integration of legal and economic analysis, with particular emphasis on the impact on the real economy of changes in company law, corporate insolvency law and financial regulation.

John is one of the authors of The Anatomy of Corporate Law, the third edition of which was published in January 2017 by Oxford University Press. This well-known and highly-regarded volume offers a comparative overview of corporate laws around the world from a functional perspective, explaining why the rules have converged in some areas and not in others. The new edition takes account of the many legislative changes which have occurred since the global financial crisis of 2007-9. John is also an author, with colleagues, of Principles of Financial Regulation (OUP 2016). This is an ambitious attempt to reconfigure the way we think about the field of financial regulation. The problems of the financial crisis resulted from the intersection between banks and markets, and so effective responses to these problems must span both fields. Consequently, the book takes as its starting point not the scope of existing regulation, but the way the financial system functions. The book asks: ‘How can this functioning be improved by regulation?’ It uses the economic theory of markets as a framework within to consider the goals of financial regulation, and presents an overview of measures traditionally aims at markets and banks, before moving on to look at cross-cutting measures that target systemic risk and consumer protection. Substantive measures are presented in comparative context, with a focus in particular on regulatory choices in the EU (especially UK) and US. The final section considers the institutional architecture of financial regulators. The book is aimed at graduate students, regulators, practitioners and anyone wanting a high-level overview of the field.

Like many colleagues in the Faculty, a theme of John’s recent work has been Brexit and its potential implications for his field of law. He has logged about this issue on the Oxford Business Law Blog and published a number of longer pieces, including articles in the Oxford Review of Economic Policy and The European Business Organization Law Review. Together with his colleague Horst Eidenmüller, the Freshfields Professor of Commercial Law, he organised a very successful workshop in Oxford on ‘Negotiating Brexit’ in March 2017, the proceedings of which have resulted in a new edited collection on the topic (John Armour and Horst Eidenmüller, eds, Negotiating Brexit, Hart/Beck Publishing, 2017).

A developing interest for John is what he terms the ‘mechanisation of law’: the increasing use of big data and smart technology within law. This has implications for law both as a development to which the law needs to respond, and a development with significant potential to shape the law itself. John has organised a series of interdisciplinary workshops in the Faculty to explore these issues in a variety of different legal fields, alongside his own research on its implications for corporate governance.

John teaches on two courses, Comparative Corporate Law and Principles of Financial Regulation, which are offered to graduate students taking the MLF, BCL and MJur programmes. He has in the past also taught Company Law, Corporate Insolvency Law and the core MLF course Law and Economics of Corporate Transactions. This brings together legal and economic analysis in the study of business transactions, culminating in a series of case-study workshops in which students have an opportunity to analyse real-world deals.

John has since 2014 served as a member of the European Commission’s Informal Company Law Expert Group, which advises the Commission on matters of policy related to the operation and reform of company law within the EU. We were particularly delighted that John’s eminence was recognised in 2017 with the award of a Fellowship of the British Academy. This honour is reserved for the most distinguished scholars in the humanities and social sciences, and we extend our warm congratulations to him on this mark of particular distinction.

Anne Davies
### Graduate Scholarships 2016/17

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<tr>
<th>Scholarship</th>
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<tr>
<td>BVV</td>
<td>Gillian Hughes</td>
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<td>Cape Town Convention</td>
<td>Anton Delaroche</td>
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<td>Des Voeux</td>
<td>Raymond Rossa</td>
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<td>Faculty of Law and Corpus Christi College</td>
<td>Stephanie Wilkins</td>
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<tr>
<td>Faculty of Law and Hartford College</td>
<td>Clare McCormack-George</td>
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<td>Faculty of Law and Jesus College</td>
<td>Lewis Graham</td>
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<td>Faculty of Law and St John's College</td>
<td>Kim Fearé</td>
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<td>Faculty of Law and New College</td>
<td>Aja de Zitter</td>
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<td>Family Subject group</td>
<td>Philippa Creese</td>
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<td>Fountain Court</td>
<td>Alexandra Clarke</td>
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<td>Graduate Assistance Fund</td>
<td>Thomas Lowenthal</td>
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<td>Graduate Assistance Fund</td>
<td>Kalina Arabadjieva</td>
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<td>James Bradford</td>
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<td>Graduate Assistance Fund</td>
<td>Marco Cappelletti</td>
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<td>Graduate Assistance Fund</td>
<td>Daniel Franchini</td>
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<td>Graduate Assistance Fund</td>
<td>Mustafa Bier</td>
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<td>James Bullock Scholarship</td>
<td>Thomas Garnay</td>
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### Prize Winners 2017

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<tr>
<th>Prize</th>
<th>Recipient</th>
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<tr>
<td>3 Verulam Buildings Prize for Legal Concepts in Financial Law</td>
<td>William Day</td>
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<tr>
<td>3 Verulam Buildings Prize in Commercial Law</td>
<td>Alexander Georgiou</td>
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<td>5 Stone Building Prize for Trusts</td>
<td>Paul Fradley</td>
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<tr>
<td>All Souls Prize for Public International Law</td>
<td>Sebastian Bates</td>
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<tr>
<td>Allen &amp; Overy Prize in Corporate Finance Law</td>
<td>Nupur Upadhyay</td>
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<td>Allen &amp; Overy Prize in European Union Law</td>
<td>Samuel Dayan</td>
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<td>Clifford Chance Prize (Proxime Accessit) for the Second Best Performance in the MJur</td>
<td>Alexander Wróbel</td>
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<td>Clifford Chance Prize for the Best Performance in the MJur</td>
<td>Thomas Reynolds</td>
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<tr>
<td>Clifford Chance Prize in Principles of Civil Procedure</td>
<td>Jonathan Meller and Nicholas Conidis</td>
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<td>DLS Prize (Overall Best Performance)</td>
<td>Joyce Esser</td>
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<td>Falcon Chambers Prize for Land Law</td>
<td>Samuel Dayan</td>
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<td>Francis Taylor Building Prize in Environmental Law</td>
<td>Sam Hancock</td>
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<td>Gibb's Prize Book</td>
<td>Oliva Retter, Rachel Griffin and Kate Ratcliffe</td>
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<td>Gibb's Prize Prose</td>
<td>Alexander Georgiou and Paul Fradley</td>
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<td>Gibb's Prize Winner</td>
<td>Samuel Dayan</td>
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<td>Herbert Hart Prize in Jurisprudence and Political Theory</td>
<td>Joshua Pike</td>
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<tr>
<td>John Morris Prize in The Conflict of Laws</td>
<td>William Day</td>
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<td>Law Faculty Prize for Copyright, Patents and Allied Rights</td>
<td>Rachel Griffin</td>
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<tr>
<td>Law Faculty Prize for Copyright, Trade Marks and Allied Rights</td>
<td>Darren Tan</td>
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<td>Law Faculty Prize for Criminal Law</td>
<td>Matthew Marchello</td>
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<td>Law Faculty Prize for Human Rights Law</td>
<td>Matthew Morarity</td>
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<td>Law Faculty Prize for Medical Law and Ethics</td>
<td>Nick Pope</td>
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<tr>
<td>Law Faculty Prize for Moral and Political Philosophy</td>
<td>Nicholas Bushnell-Wye</td>
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<td>Law Faculty Prize for Personal Property</td>
<td>Paul Fradley</td>
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<tr>
<td>Law Faculty Prize for Roman Law (Delict)</td>
<td>Daniel Shihlin Kim</td>
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<tr>
<td>Law Faculty Prize in Advanced Property and Trusts</td>
<td>Kai Yee Lee</td>
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<tr>
<td>Law Faculty Prize in Children, Families and the State</td>
<td>Tristan Cummings</td>
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Fatema Orjela
Fatema studied the BA Jurisprudence at Brasenose College, graduating in 2005. After completing her LPC she trained at Lovells International LLP, and has worked at Kirkland & Ellis International LLP as a partner. Fatema moved as a lateral partner to Sidley Austin LLP in 2016.

What do you use from your Oxford Law degree in your job?
As a solicitor, in the narrowest sense, part of my role includes applying the law. I am able to do so more effectively as a result of my understanding of the underlying principles standing behind such application – such as how third party rights apply in contract – which I gained from my degree. In a wider sense, that same understanding helps me to have a good gut sense as to what application is likely required by the law (in advance of confirming the point) so that I can advise clients ‘live’ in a dynamic way. I am able to use law as a universal language across multiple jurisdictions, so that I can apply local laws in such other jurisdictions in the same manner that I would English law.

What is special about studying Law at Oxford?
Training to think first what the outcome ‘should’ be, what ‘should’ the law say in order to reach that outcome, what ‘should’ be changed if there is a gap... Studying law at Oxford trained me to be a ‘thought leader’, to distil down a wealth of information into the most pertinent points and to be able to always take a step back and see the ‘bigger picture’.

What’s your best memory of your time at Oxford?
I have so many incredible memories – law and non-law – but one of the biggest is that of hanging out with my constitutional and administrative law tutor, as well as my personal tutor at Balliol. He was an excellent tutor and extremely encouraging and supportive during my time at Oxford, and later we worked together. I have continued to feel incredibly fortunate to have known him, and his support and encouragement continues to help me in my career.

Who was the biggest influence on you when you studied here?
Everyone I met was an influence. The wealth of the network is one of the best parts of being in Oxford. However, the biggest influence has to have been my tutors. To be able to directly sit with and speak to the likes of William Swadling, Anne Davies, Arianna Pretto, John Davies – leaders in their respective fields – to hear their insights first hand, is a privilege which I continue to feel incredibly fortunate to have experienced.

What’s your specialism? And, would you recommend that as a specialism to current Law undergraduates?
Private Equity/M&A. I would highly recommend this as a specialism as it brings together so many other practice areas: (i) contract law for the various agreements (including the sale and purchase agreements and terms of acquisition or disposal), (ii) antitrust/competition law for the acquisition approvals required, for example where the target is a market leader, (iii) land law, employment law, intellectual property law etc. for diligence over the target business, (iv) company law for structuring the investment or co-investment by other parties between equity/debt/hybrid securities (including the management equity and terms of repurchase of the equity in certain scenarios from management), (v) tax law to maximise returns, (vi) insolvency law for winding up the portfolio/fund structure on exit or at the end of the fund cycle, etc., the list goes on.

What aspects of your law degree have proved to be the most useful in your career so far?
Studying law at Oxford was (hectic, intense) fun, but I enjoyed the challenge of struggling to understand things which I continue to feel incredibly fortunate to have experienced.

What did you most enjoy about your degree?
I enjoyed the challenge and the opportunity to learn new fields – to hear their insights first hand, is a privilege which I continue to feel incredibly fortunate to have experienced. Studying law at Oxford offered a lot more than an understanding of the subjects I studied as part of my law degree. It also taught me a lot of important skills that will never stop being useful. I would highly recommend this as a specialism as it brings together so many other practice areas: (i) contract law for the various agreements (including the sale and purchase agreements and terms of acquisition or disposal), (ii) antitrust/competition law for the acquisition approvals required, for example where the target is a market leader, (iii) private equity/M&A law, (iv) company law for structuring the investment or co-investment by other parties between equity/debt/hybrid securities (including the management equity and terms of repurchase of the equity in certain scenarios from management), (v) tax law to maximise returns, (vi) insolvency law for winding up the portfolio/fund structure on exit or at the end of the fund cycle, etc.

What have you been doing since graduation?
After graduation in 2013, I spent a year in the Stiftung Maximilianeum in Munich, studying for an LLM and working for Professor Horst Eidenmüller (now the Freshfields Professor of Commercial Law at Oxford). I then worked as a research assistant at the Law Commission on a project concerning the protection of consumer prepayments – such as deposits and gift vouchers – on retailer insolvency, before completing the BPTC and teaching contract and tort law at King’s College London. I have just finished a six-month internship at the European Court of Justice in Luxembourg in the chambers of Judge Vajda and Advocate-General Sharpston, which was a great experience.

Conor McLaughlin
Conor McLaughlin studied the BA in Law with Law Studies in Europe and graduated from the University of Oxford in 2013. He will begin a pupillage at Erskine Chambers in October 2017. We asked him about what he’s been doing since graduation, his time at Oxford and who he remembers most.

What did you most enjoy about your degree?
Studying law at Oxford was (hectic, intense) fun, but I enjoyed the challenge of struggling to understand things (and then wondering why it took so long). There are a lot of mooting opportunities, and I think these are worth getting involved in even if you don’t want to go to the Bar. As I did the Law with French Law programme, I was able to study for a degree in French law during my third year and enjoyed my time in Paris.

Who was the biggest influence on you when you studied here?
Jeff King, who is now Professor of Law at UCL, was my constitutional and administrative law tutor, as well as my personal tutor at Balliol. He was an excellent tutor and extremely encouraging and supportive during my time as an undergraduate - and beyond!

What was the best thing about your time at Oxford?
Making wonderful friends during my time as an undergraduate. While some of them studied law, one of the biggest advantages of Oxford is how many people studying different subjects you can meet. I am lucky to have friends who studied other subjects and who have ended up doing wildly different things from me.
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