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From the Chair of the Law Board

As I write this, it is seventh week of Michaelmas Term, and life for Oxford lawyers is an ordered turmoil. Perhaps you remember what it is like.

It means hard work for all of us, teachers and students and administrators and librarians. For the undergraduates, we give the most labour-intensive legal training in the world, bar none. Tutorials of two or three are still our core undergraduate teaching method – and I do believe that those of you who were educated here fifty years ago would recognise the method (it involves starting with a very dreadful essay on a very difficult problem, and reaching some surprising sparkle of insight in an hour).

We have the world's largest community of graduate research students in law – more than 200 students are working on thesis degrees this term, and they all have individual supervision. The MSc in Criminology offers small group seminars to 20 students. The BCL and the MJur (154 students have just started) are the only graduate degrees taught by tutorials, in any subject, in any university, anywhere.

Think what it means: 750 undergraduates and over 300 graduates, each one of them meeting one or more Faculty members regularly – individually or in groups of two or three. It adds up to well over 400 undergraduate tutorials this week, and no-one knows how many research supervisions and graduate tutorials. It is hard work, and we are lucky to be doing it. For Faculty members, Oxford is such a great place to teach and to write. It is not the magnificent ambience. It is the remarkable people, and the fact that we work closely together. That makes the tutorials, the lectures, and the seminars into exciting events.

They are the main events, actually. I wanted to mention them before you see the many other exciting events, vividly portrayed in these pages, that Oxford lawyers have been involved in at the Faculty, and around this town, and around the world. We look forward to seeing many of you at such events in the months to come. They make us part of a community that includes the students who have trained here, and gone on to make something of it in every part of the world.

Timothy Endicott



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Oxford University and international law firm Lovells launch landmark Chair in Law and Finance

The Law Faculty is delighted to announce Lovells' sponsorship of the UK's first Chair in Law and Finance. The new professor, to be elected in the New Year, will give leadership in graduate teaching and advanced research in the entire field of financial law, and will be working closely with insolvency, commercial, corporate, trust and securities scholars in the Faculty and also in cooperation with Oxford Economics and Finance. The funding is, in part, in recognition of Lovells' consistent track record of recruiting from Oxford. It also reflects the great value Lovells places on the links it has established with the University through its Oxford alumni and the close relationships it has developed with individual colleges.

Lovells' funding is of course not the first involvement of the firm with the Law Faculty: since 1998, Lovells has funded the weekend opening of the Bodleian Law Library, giving undergraduates, post-graduates and academics flexibility to use the library at times that suit them.

Lovells is well aware of the ever-increasing competition within the legal market for talented individuals. The firm has a history of developing its talent through its trainee solicitor recruitment programme, and of retaining those it trains: some 50% of the London partners trained with the firm. Lovells is keen to see this trend continue.

Of course the subject of the Chair – Law and Finance – complements an



Pictured are (L-R) Jennifer Payne, Joshua Getzler, Judith Freedman

area of practice in which Lovells is internationally renowned. Its finance practice covers banking, business restructuring and insolvency, capital markets and project finance, and it is anticipated that strong links will be developed between the firm and the holder of the Chair, for example, through client seminars.

Lovells' sponsorship of the Chair was formally launched in early July at a reception in Lovells' London office. Both the Law Faculty and Lovells view this relationship as a true joint venture, bringing legal practice and academia together to benefit each other.

New Director of Oxford University Centre for Business Taxation

The multi-disciplinary Oxford University Centre for Business Taxation, established in 2005, undertakes research into the aims, practice and consequence of taxes which affect business.

Based at the Saïd Business School, the Centre was set up as a result of co-operation between the University of Oxford and the Hundred Group, representing the largest listed companies in the UK, with the Hundred Group contributing £5 million over an initial five-year period to support its work. Although it engages in debate on specific policy issues, the main focus of the Centre's research is on long-term, fundamental issues in business taxation. Its findings are based on rigorous analysis, detailed empirical evidence and in-depth institutional knowledge. The Centre provides analysis independent of government, political parties or any other vested interest. Research includes an examination of the taxation of business activities, and an evaluation of the effects of the present structure of taxation in the UK on the business sector, the public finances, international competitiveness and the wider economy. The Centre also addresses policy operations that take account of the international dimension to business activity, the interaction between different tax systems and the global influences on policy formulation.

The Law Faculty has played a key role in establishing the Centre and will continue to participate in and help shape its programme, as a core partner in this venture.

In its first year, the Centre held a successful workshop and an inaugural conference on 'The Impact of Business Tax in an International Context', which opened with a speech given by EC Commissioner for Taxation and Customs Union, Mr László Kovács. The 90 participants from academia, business, government, representative bodies and the professions heard Mr Kovács comment on the importance of the new Centre in helping to change the current situation, in which tax policy debates can be driven by politics or ideological beliefs not backed up by facts, figures and analysis.

A further speaker at the conference, Professor Michael Devereux, has now been appointed as full-time director of the Centre, commencing September 2006. Professor Devereux was previously Professor of Economics and Chair of the Economics Department at Warwick University and has held many other prestigious positions. He is Editor-in-Chief of International Tax and Public Finance and has served as an advisor and consultant on corporation tax to the European Commission, OECD, UK government, and the IMF. On his appointment Professor Devereux said, 'I am very excited at the prospect of leading this unique and important research centre. Taxation can have a significant impact on the activities of business, and hence on the economic welfare of all citizens. But there is too little research which policy makers can draw on in designing appropriate forms of taxation. The Centre will take a lead in developing new research on the ways in which taxation affects business, and the consequences for economic welfare'.

The Centre now plans a workshop on 'Deductibility of Financing Costs for Corporation Tax' in December 2006, a highly topical subject in the light of recent European Court of Justice decisions on the UK taxation of multi-national groups of companies, as well as further conferences and symposia in 2007. Further researchers and fellows are being appointed and the Centre has also created doctoral studentships and post-doctoral fellowships to be held by researchers across the disciplines relevant to taxation research. The first holder of a doctoral fellowship is lawyer Geoffrey Loomer, who is working on a doctorate on aspects of taxation jurisdiction between states.

The Centre will operate through a series of work programmes. Judith Freedman, KPMG Professor of Taxation Law in the Law Faculty, will be joint programme director with Professor David Ulph, Head of the School of Economics and Finance at St Andrews, on a programme entitled 'Tax Administration and Design' and she will also act as Head of Legal Research across programmes. Other programme directors include Professor Stephen Bond of the University's Economics Department and Professor Wiji Arulampalam of Warwick University. The Law Faculty is represented on the Steering Committee by Mr Edwin Simpson, Barclays Bank Lecturer in Taxation in the Law Faculty.

For more information about the Centre, its research and scholarships please see <http://www.sbs.ox.ac.uk/tax> or contact Judith Freedman on Judith.freedman@law.ox.ac.uk.

Chair of the Law Board becomes the Pro-Vice-Chancellor for Research, Academic Services and University Collections

Professor Ewan McKendrick, Professor of English Private Law, Fellow of Lady Margaret Hall and Chair of the Law Board for the past two years, became Oxford's Pro-Vice-Chancellor for Research, Academic Services and University Collections in June 2006. He succeeded Professor Nigel Thrift, Professor of Geography, who has been appointed Vice-Chancellor of the University of Warwick.

On his appointment, Professor McKendrick said, 'having been an active researcher for the last twenty years, research is something which is very close to my heart, and I will do everything that I can in my period of office to maintain and also to enhance the research reputation of the University. But my role extends beyond research, and the future development of the University libraries, museums and computing services will also play an important part in my working life over the next five years. I have very much enjoyed my time in the Law Faculty and in many ways I am sad to leave it at this point in its history. At the same time, however, I am very much looking forward to the opportunities and challenges which this new post will present.'

Amongst his duties as Pro-Vice-Chancellor, Professor McKendrick is responsible not only for co-ordinating the University's relationships with its existing major research funders but also for seeking out new funding opportunities. He also oversees contract research staff and the distribution of research funding. In the academic year 2004-5, Oxford's overall research income from external sponsors reached over £183 million out of an overall total research income to the University of £263 million. He now leads the University's quest for the highest possible RAE rating and chairs the University's Research Committee.

After graduating in Law at the University of Edinburgh, Professor McKendrick took the BCL (Pembroke College). He has published widely, principally in the areas of contract law, commercial law, and the law of restitution. He has held a number of major administrative roles within the University - including Chair of the Law Board (since 2004) and Director of Undergraduate Studies in the Faculty of Law 2001-4. He is a practising barrister and he is currently the Law Delegate for Oxford University Press and the General Editor of the Oxford Journal of Legal Studies.



Faculty Member elected to American Law Institute

Mr William Swadling, CUF Lecturer and Fellow of Brasenose, was recently elected to membership of the prestigious American Law Institute (ALI). Mr Swadling said that he was 'extremely flattered to have been proposed for membership and deeply honoured to have been elected. There is a long tradition of transatlantic conversations in law, and I am glad to be able to be part of that process.'

The ALI was founded in 1923 by a group of prominent judges, practicing lawyers, and academics, its purpose being to improve the state of American law. Its founding members included Chief Justice and former President William Howard Taft, future Chief Justice Charles Evans Hughes, and former Secretary of State Elihu Root; judges Benjamin N Cardozo and Learned Hand were among its early leaders.

The Institute today has a membership of 3,000, consisting of judges, lawyers, and law teachers from all areas of the United States, selected on the basis of professional achievement and demonstrated interest in the improvement of the law. There is also an ex officio membership consisting of the Chief Justice and Associate

Justices of the Supreme Court of the United States, the Chief Judges of each United States Court of Appeals, the Attorney-General and Solicitor-General of the United States, the Chief Justice or Chief Judge of the highest court of each State, law school Deans, and the Presidents of the American Bar Association, each state bar association, and other prominent legal organisations.

The Institute also has a limited number of foreign members, and it is to that category that Mr Swadling has been elected. Current foreign members from the UK include, from Oxford, Patrick Atiyah, Paul Brand, and Sir Roy Goode, and a number of prominent judges, among them Lord Bingham, Lord Browne-Wilkinson, Lord Steyn, and Dame Mary Arden, the latter, along with Professor Andrew Kull of Boston University, being seconders to Mr Swadling's proposal for membership, which was made by Professor Susan French of UCLA.

Among its many activities, which include the development and monitoring of the Uniform Commercial Code, the Institute produces the famous Restatements, designed to address uncertainty in the law through a restatement of basic legal subjects that tell judges and lawyers what the law is. This is particularly necessary in a jurisdiction such as the United States, where the content of private law often varies, sometimes quite dramatically, from state to state. The first restatements were in Agency, Conflict of Laws, Contracts, Judgments, Property, Restitution, Security, Torts, and Trusts. A second restatement was commenced in 1952, with new editions of the original restatements and the addition of a number of new titles. A third programme of restatements is presently under way, with Susan French being the reporter (effectively the chief author) for the Restatement of Property (Servitudes) (published in 2000), and Andrew Kull the reporter for the Restatement of Restitution and Unjust Enrichment, a work

still in progress. Mr Swadling will join Professor Kull's team, and hopes also to be involved in the new restatement on Trusts.

For more information on the work of the ALI, see www.ali.org.

Herbert Smith agrees to fund the Chair of English Private Law

Herbert Smith LLP has generously agreed to support the Law Faculty by funding the Professorship of English Private Law, currently held by Professor Ewan McKendrick. Notwithstanding Professor McKendrick's recent appointment as the University's Pro-Vice-Chancellor for Research, Academic Services and University Collections, Herbert Smith has agreed to fund the post for five years from 2007.

Herbert Smith LLP has been very generous to the Faculty in the past, having previously funded a University Lectureship in International Economic Law (attached to The Queen's College), currently held by Professor Dan Sarooshi. The firm has also donated funds to the Bodleian Law Library for materials on international economic law. As a consequence of their most recent gift, Herbert Smith have now been recognised as Senior Foundation Benefactors of the Law Faculty.

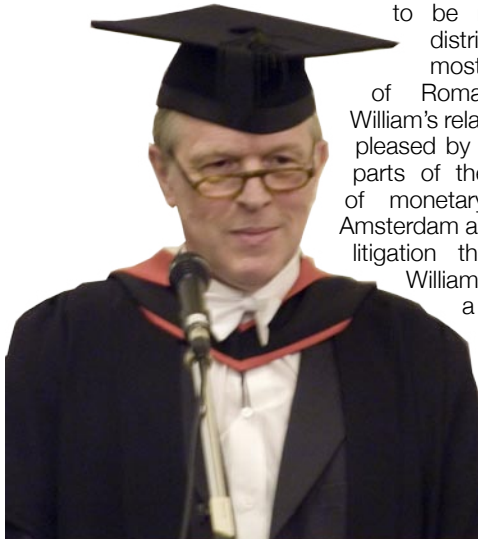


'William Godolphin's Last Will and the Civil Law'

Inaugural Lecture by the Regius Professor of Civil Law

2nd May 2006

As the new professor for Civil Law I wanted to sketch in my inaugural lecture the paramount and fundamental position of the Roman Law and its medieval and later interpretations for the law of Europe. For that I took the case of the inheritance of William Godolphin, an Oxford graduate, who, in 1671, became English Ambassador to Spain and converted to Roman Catholicism. He died in 1696 in Madrid after having made a notarial deed, in which he asked four people to draw up his last will and to do all that was necessary for the salvation of his soul. In accordance with this mandate his friends bought masses to be read for his soul and distributed his large fortune, mostly among all kinds of Roman-Catholic institutions. William's relatives in England were not pleased by this and tried to recover parts of the inheritance consisting of monetary deposits in Rome, Amsterdam and Venice. In the ensuing litigation the question was what William's deed represented. As a testament by mandate it was valid in Canonical Law; the same was true in Spain, where the relevant canon had been incorporated into the positive law. On the other hand, in Holland and Venice, Civil Law,



as the common law of Europe, was applied to the case (the English law, according to which the relatives had been appointed executors, was not acknowledged there). Since Civil Law did not allow for having a testament drawn up by mandataries, William's Spanish 'testament' was not valid in Holland. Thus intestate succession applied and William's relatives succeeded in Holland (and Venice, but probably not in Rome).

The case shows how Civil Law was, in continental Europe, the paramount law. The (limited) positive law was reduced in importance by a restrictive interpretation. Civil Law was taught at all law faculties in Europe, applied both as positive law and as intellectual framework because of its universality, systematisation and refinement. The rise of the codifications did not alter that greatly, since much of the Civil Law was retained in these, particularly under the influence of 19th century Pandectism. I undertook in this part of my lecture to show how civilian principles still rule and may even affect common law, since the Treaties of Rome of 1950 and 1957 created for human rights and the European communities a common jurisdiction. Here the various national legal systems encounter each other, with their respective roots, which are generally civilian, and civilian principles may filter through into the common law.

The lecture was well attended by colleagues and others from Oxford University. The Warden of All Souls College kindly hosted a reception after the event. I am very grateful to him and the staff of the University and the College who took such excellent care of the social organisation.

Boudewijn Sirks
Regius Professor of Civil Law

The fifth Youard Lecture in Legal History

This year's Richard Youard Lecture in Legal History was held in the Gulbenkian Theatre on 6 February 2006. The lecture, entitled 'English Law and European Law: a Historian's View', was given by Professor David Ibbetson, Regius Professor of Roman Law at Cambridge University.

Professor Ibbetson discussed the question of relationships between the English common law and the European *jus commune* in the early modern period. He made the point that this was, in fact, a period in which the idea of a European *jus commune* as such tended to disintegrate: the possibility posed by the *jus commune* idea, of citing

legal literature and cases from any jurisdiction across Europe, tended to produce legal uncertainty and difficulty in researching the law. The result was a trend in '*jus commune*' countries toward the production of more narrowly national legal literature, a movement which culminated in national codifications. It is hence unsurprising that English lawyers' limited use of *jus commune* materials never showed either the range or the depth of the use of such materials in courts elsewhere in Europe. This history perhaps posed questions for modern ideas of a new *jus commune* *Europaeum*.



4 Pictured are (L-R) Richard Youard and David Ibbetson

Jules Coleman on Philosopher-Judges

Should judges aim to be philosophers of law? Do philosophers of law exist partly to supply arguments to judges? These were the themes tackled in Professor Jules Coleman's HLA Hart Memorial Lecture on 9 May 2006. Students and teachers from all over the University packed the east wing of the Examination Schools to hear Professor Coleman, who is Wesley Newcomb Hohfeld Professor of Jurisprudence at Yale Law School. Having exposed some misinterpretations of Hart's own work, Coleman devoted the bulk of his lecture to a lively critique of the view, associated most with Ronald Dworkin, that judges should have philosophical ambitions. The lecture, like most previous HLA Hart Lectures, will appear in due course in the Oxford Journal of Legal Studies. The HLA Hart Lectures are supported by the Tanner Lectures Trust, and held annually under the auspices of University College, where Hart was formerly Professor of Jurisprudence.

Jeremy Horder gives Law Commission Lecture

On 25 January 2006, Professor Jeremy Horder, Criminal Commissioner at the Law Commission, CUF lecturer and Fellow of Worcester College, made a presentation to Faculty and students. The Gulbenkian theatre was packed, with some members of the audience sitting in the aisles. Professor Horder discussed the Law Commission's proposals to reform the law of murder in England and Wales. These reforms follow the Law Commission's report on partial defences to murder which was published in 2004. At the heart of the Law Commission's recommendations with respect to murder is a proposal to create a tiered structure of three general offences: first degree murder, second degree murder and manslaughter supplemented by specific offences such as assisting suicide. At the conclusion of his lively presentation, Professor Horder responded to questions from the audience.

Clarendon Lectures: Justice Stephen Breyer on 'Active Liberty'

Stephen Breyer was appointed to the United States Supreme Court in 1994. He had at that point served for fourteen years on the US Court of Appeals for the First Circuit, and for nearly thirty as a professor at Harvard Law School. His Clarendon lectures, which took place on 19 and 20 October 2006, addressed the theory further elaborated in his recent book *Active Liberty: Interpreting Our Democratic Constitution* (2005).

In a disarmingly warm and engaging style, Justice Breyer began by developing the Madisonian idea of the US Constitution as a 'charter of power, granted by liberty', contrasting it with old European 'charters of liberty granted by power'. For Breyer, active liberty 'reflects each citizen's right to share in the determination of a community's rules, laws, and policies' and 'foresees the citizen's active participation in that process'. This informs his view of the Court's role. Judges should give great weight to democratically expressed wishes and should facilitate democratic participation by their



interpretation of statutes and of human rights instruments.

Applying his ideas to Europe, Justice Breyer examined the *Sahin v Turkey* judgment in which the European Court of Human Rights upheld a Turkish law prohibiting women from wearing headscarves at university. By focusing on active liberty, he argued that the crucial issue should be participation: was the challenged measure necessary for ensuring the participation of women in Turkey's secular democratic system of government, or are the links between exclusion and religious dress poorly supported by the evidence? Although Justice Breyer took no clear side, he suggested that if the question is about participation, then the issue is 'transformed' into a more judicially manageable empirical question.

In his second case study, he argued that the European Union comprises a complex network

of institutions and rules so scarcely understood that European citizens can barely exercise their supreme democratic right, namely, 'to throw the rascals out'. This lack of transparent democratic debate and scrutiny constitutes an 'absence of clear channels within which active liberty can function'. For this reason, Justice Breyer suggested that the European Court of Justice is bound to be less deferential to legislative rule making than its national counterparts. National courts defer to active liberty, something emasculated in the current EU system of rule-making.

Justice Breyer was entertaining, sincere, and gracious with his time and in his courteous responses to some challenging questions. All in attendance will doubtless look forward to seeing his ideas play out both on and off the bench.

Jeff King
DPhil Student, Keble College

Jonathan Zittrain: 'The Future of the Internet... and How to Stop It'

Jonathan Zittrain, the first holder of the University's Professorship in Internet Governance and Regulation, gave his inaugural lecture on 25 April 2006. Appropriate to the nature of the post, the lecture was webcast live from Examination Schools. The following piece is based on the account of Ethan Zuckerman, a Harvard colleague who watched the live webcast.

'Professor Zittrain's lecture looked at how the Internet is redefining the term 'privacy', and the concept of 'Private as the New Public'. Referencing Google's amazing ability to optimise search results based on clickstream analysis - tapping into people's judgements - he suggested that there are ways to combat Internet filtering through collective action, for example if users were able to alert a central clearinghouse if they weren't able to access a website or if other users could retrieve pages you can't retrieve from your computer. The resulting system would be a 'collection of gauges, more accurate the more of us who use them', mapping the accessibility of the net in real time. We could test how filtering works worldwide, the quality of the code we're running, and other aspects of our net existence by sharing data with other users asking the same questions we're asking.

'However, Professor Zittrain also implied that future issues may be more centered on 'Public versus Public' than 'public versus government'. Security issues - spam, viruses, bots - are a consequence of the generative internet. As spam became epidemic on the web, some techies began a blacklist of people who were spammers. Hotmail adopted the blacklist. What does 'due process' mean when you're dealing with an individual and his private project? What obligations does Vixie have to hear your appeal to be removed from a blacklist?

'Professor Zittrain hopes we'll take hints from three institutions as we head towards the future. The first is the IETF - the Internet Engineering Task Force. The rules the organisation follows are very simple, including assumptions that people are reasonable and nice. This really does show up in the code. Ethernet cards, when they discover a packet collision, both wait a random interval before resending packets. It's not the most efficient way to ensure throughput - resending immediately, and assuming the other will pause is - but everyone does it, because it's the nice way to resolve the conflict.

'IETF's philosophy seems hopelessly naïve, but Wikipedia relies on the same magic - they politely ask people not to vandalise, but to be constructive instead, hoping that people will choose to add to the project instead of damaging it.

'Second, by contrast, Professor Zittrain hopes we'll take very few cues from ICANN, ITU and WSIS, organisations he believes are hampering the future of the net. He hopes that we'll ask a question these organisations rarely ask, "What are the digital environments that inspire people to act humanely?" He believes that it's critical that you have the opportunity to do wrong. Wikipedia works, in part, because it's possible for you to vandalise entries. Every time you interact with Wikipedia, you make a conscious decision not to do so, to be a good citizen.

'The third set of institutions considered is the universities, which are largely failing to use the net well. The future of universities on the Internet has to be more than digitizing libraries and putting them online. It needs to involve creating new knowledge using the tools the Internet gives us. If you're organising a class, you are putting together an intellectual playlist, and this should be shared, remixed, and used to help match you to classes with similar interests.

'This new vision for universities involved "inverting the pyramids" - rather than creating monuments to individual egos, we need start understanding what we can build as a group, understanding that there are bad people amongst us, inaccuracies generated, and still a great work achieved.'

Ethan Zuckerman is a research fellow at the Berkman Center for Internet and Society at Harvard Law School. He is co-founder of Global Voices (www.globalvoicesonline.org), an aggregator of weblogs from the developing world, and his take on the lecture can be found in full on his regular blog, 'My Heart's In Accra...' (www.ethanzuckerman.com/blog) and at <http://worldchanging.com/archives/004364.html>

To view the webcast of the entire talk visit <http://webcast.oii.ox.ac.uk/>

Osnabrueck Seminar on European and Comparative Public Law

In September 2006, Dr Anne Davies and five undergraduate students visited Osnabrueck in Germany to attend a four-day seminar on European and Comparative Public Law. The seminar, a joint venture between the universities of Oxford, Osnabrueck, Birmingham and Tilburg, consisted of lectures, workgroups and discussions on English, Dutch and German administrative law.

In his opening remarks Professor Jens-Peter Schneider, who had thought of the seminar whilst a visitor at the Institute of European and Comparative Law in Oxford, identified his threefold motivation for bringing students from the three countries together. Firstly, he hoped that the students might be able to understand the (often latent) similarities between their legal systems and, in turn, the common influence they had upon the legal thinking of the European Union. Secondly, it was hoped that, by recognising similarities in outcomes (but disparity in approaches), the students might learn to question why their own legal system had adopted a particular course. Finally, it was felt that civilian and common law students did not have sufficient opportunities to engage with the other's legal system, and it was hoped that, through the workgroups, the students

might come to understand the methodology behind a previously foreign system of legal analysis.

Reflecting on the seminar as a whole, it is clear that all three aspirations were fully realised: during the lectures and discussions, it was truly surprising to see how frequently the three systems, whilst addressing issues from very different perspectives, came, in the end, to the same conclusion. The duty of administrative decision-makers to give reasons provided just one of a number of examples where in practice the systems were very close, but the legal analysis adopted was quite disparate. In the workgroups too, the learning process continued: answering problem questions using the German Administrative Procedure Act certainly proved an intriguing exercise for the Oxford students!

Although this was the first year the seminar has been held, it proved a great success and a hugely enjoyable experience for all concerned. With a similar seminar planned for next year,



we hope that more Oxford students will have the opportunity to participate in the future.

Dr Anne Davies
Fellow at Brasenose
Reader in Public Law

Chinese Summer School

I was privileged to represent Oxford University at the 50th anniversary celebrations of the China University of Political Science and Law (CUPL) in Beijing in May 2002, to address an audience of 5,500 in the Great Hall of the People and to deliver a letter from the then Vice-Chancellor to the President of CUPL, Professor Xu Xianming. Many things excited me about China but my abiding impression was of the enthusiasm of the students I met and their thirst for knowledge. It suddenly dawned on me that there was a place for a summer school in Oxford for Chinese law students. So I invented it. Happily the cost to participants, though substantial, is less than it would otherwise be because I have been able to raise £25,000 annually from the David and Jayne Paterson Educational Trusts and also £5,000

a year from for the first three years from the Lord Chancellor's Department, Lord Irvine kindly

taking the view that the summer school was a logical extension of his Department's study programmes for Chinese judges and lawyers.

The summer school is an intensive, four-week, lecture-led, residential programme on the Principles of the Common Law. Instruction and assessment is carried out wholly in the English language. Guest lectures are given by senior members of the Law Faculty at Oxford University and invited professors from other law schools.

The objective is to familiarise the students better with Anglo-American law and legal reasoning, with the English Legal System, with aspects of Constitutional Law and the Law of Contract, as illustrative, and with the contemporary European dimension. Participants now have some access to the Bodleian Law Library and receive instruction in using common law materials. Performance and achievement are measured by general responsiveness in lectures, by informal one-to-one and sub-group discussions, and by a written examination and assessment exercise.

A lesser but still important objective is to enhance English language skills and knowledge of British culture. The academic programme is therefore augmented by cultural and social activities, including trips to the Palace of Westminster, Warwick Castle, Stratford, Cambridge, Stonehenge and Bath, and the showing of films which aim to illustrate historical, cultural and legal themes and to provide a basis for group discussion.

A further objective is better to equip participating students to compete for places on graduate programmes around the world at English-speaking universities. There has been considerable success in this. For example two students having completed Masters degrees in Scotland and America are now pursuing doctoral research in London. Last year two summer students read for and obtained MJur degrees here in Oxford and another summer school student has started the same course this year. Overall, a significant proportion of those participating go on to graduate studies in English-speaking jurisdictions around the world.

Richard Tur, Oriel College



Law Open Days

In March 2006, the Law Faculty once more held its Law Open Days for sixth formers, this year generously funded by Allen & Overy. As a result of their popularity, the Open Days were run over three days rather than two and, in all, 750 sixth formers took part. Students were welcomed by the Chair of the Law Board, Professor Ewan McKendrick, and the Director of Undergraduate



Studies, Ms Mindy Chen-Wishart, gave them an overview of the undergraduate course. Practitioners from Fountain Court Chambers and Allen & Overy gave presentations on life as a barrister and solicitor. Faculty members delivered lectures in areas such as Criminal Law and International Law, and current students participated in mock interviews with law tutors. Current students also led a question and answer session for prospective applicants on life as an Oxford Law student. The Law Open Days continue to be a very important part of our outreach effort to students across the UK. The Law Faculty is most grateful to Allen & Overy for its support.

Sutton Trust Law Summer School

Now in its tenth year of operation, the Sutton Trust Summer School programme serves selected Year 12 students who come from non-professional backgrounds and who attend state schools with low progression rates to higher education. The Sutton Trust gives those students an opportunity to sample university life: to experience university style teaching, to meet undergraduates and to gain a better understanding of the application process to university.

The Faculty welcomed 25 students on the Sutton Trust Law Summer School in July. The students spent a week here, living in Somerville College and attending lectures and tutorials given by members of the Law Faculty. With the help of law graduate students, they also prepared for and competed in a moot on a topic in Tort law which was judged by Mr William Swadling and Ms Cathryn Costello. They also spent a day at Allen & Overy's offices in London, where students heard presentations about the career of solicitors and met A&O trainees. They also participated in a role-playing game on negotiation strategies. Back in Oxford, Sutton Trust students had a chance to visit the Oxford Crown Court and they learned more about the Oxford admissions process.



Graduate Studies

The Faculty's Graduate School continues to flourish. We now have eight graduate degree programmes, with the introduction this year of the ESRC-recognised MSc in Criminology (Research Methods) and the MPhil in Criminology. At the centre of our operation still stand the BCL and MJur programmes and the DPhil in Law, each of which continue to attract an extraordinary cohort of highly qualified applicants from major universities around the world.

This year, we have welcomed students from countries ranging from Albania to Uganda. The BCL and MJur have expanded to include new courses in Criminal Justice and Human Rights, and Law and Society. The Faculty's student discussion groups in subjects such as Jurisprudence, Public International Law, Financial Law, and Human Rights are thriving. These groups are weekly fora for discussion of work-in-progress of current students, Faculty members, and invited guests. Our Graduate Teaching Assistantship scheme continues for a second successful year with appointments in 17 different subject areas.

A recent review of Oxford DPhils over the past 15 years has revealed some remarkable statistics. Since 1991, 258 students have successfully completed the DPhil in Law at Oxford. Our DPhils have ended up in many different walks of life - in the World Bank, for example, and the US Department of Justice, and the Archdiocese of Sydney; 141 are teaching in 79 universities. Of these universities, Oxford itself has recruited the most DPhils to academic posts, with 25 recent DPhil graduates holding posts in 17 colleges.

THE TIMES LAW AWARDS ESSAY

Andrew Macintyre, a third year law student at New College, has been awarded a runner-up prize of £1,000 in The Times Law Awards essay competition. The competition was held by The Times in association with Lord Grabiner QC and One Essex Court Chambers. The essay was on the topic 'Terrorism v human rights: where do you draw the line?'.

Oxford Law is Number One in the Guardian University Guide

'The Law Faculty has been ranked as number one in the Guardian University Guide for 2006. The University as a whole has also achieved first place in this annual league table, which assesses teaching quality, staff-student ratios and graduate job prospects. This ranking comes in a year when Cambridge and Oxford have climbed to second and third places in The Times Higher Education Supplement's World University Rankings 2006, closing the gap on Harvard, the world's number one.

The Vice-Chancellor, Dr John Hood, said, our place amongst the handful of truly world-class universities, despite the financial challenges we face, is testament to the quality and the drive of the members of this University.'



Oxford tops Guardian rankings again

Matthew Taylor, Education correspondent
Tuesday May 2, 2006
Guardian Unlimited

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Oxford has retained its place as the UK's best university, according to the Guardian's annual guide.

The university league table, which assesses teaching quality, staff-student ratios and graduate job prospects, is

For more information see the Guardian article at <http://education.guardian.co.uk/universityguide2006/story/0,,1765251,00.html>

For more information see The Times article at <http://www.timesonline.co.uk/article/0,,3561-2389106,00.html>

The Law Faculty Feast

Ceci n'est pas une pipe - Bronwen Morgan's speech at the Law Feast

'It's a deep pleasure to be here tonight, exactly a year after I attended this very same dinner with a sense of closure and passing on. There's a real sense in which changing jobs in academia is far from a farewell to one's community. There is a pleasurable seamlessness about a lot of one's duties – writing, research, reviewing, examining PhDs, even supervising, at least for a while – none of this passes away with the physical move. My title tonight has something to do with the very first invitation John issued to me when he took up his Oxford Chair – he asked me to contribute to a Guide Series of lectures on jurisprudence in the general area of feminist, Marxist and critical legal studies approaches to jurisprudence. My brief was wide open, with just one stipulation – I must focus on whatever is necessarily true about law. To this day, I would insist that this created an intrinsically paradoxical task, for which I may nonetheless be thankful - and be that as it may, it inspired my title for you all here tonight - Ceci n'est pas une pipe.

'Ceci n'est pas une pipe is the title of the surrealist Rene Magritte's famous picture of a pipe, the picture of a pipe that is not a pipe. An assertive declaratory statement, in an alien language, with quixotic implications for the relationship between its words and what it refers to. A perfect law, perhaps? – at least, a perfect candidate for statutory construction, for philosophical interpretation, for translation, for all these things that lawyers do. Which I will not, I repeat, inflict on you. But this resonance of language, translation, mutual comprehension or incomprehension, is at the heart of what I want to say to you tonight. In part that is about the nature of the communities you have created here in Oxford, and in part about what you may take away from Oxford. Is a picture of a pipe a pipe? Is a picture of the dreaming spires Oxford? These are questions, be they of fine art appreciation or after-dinner speechifying, which call for intuition, judgment, creativity as much as – or more than – reasoning and logic. When I finished my PhD many years ago, I gave a farewell speech at the Christmas party Berkeley held every year, in which I framed my bemused teachers, colleagues and the staff that supported us, in terms of applied theories of bureaucracy. Were I to go down such a path tonight, I suspect I would find myself telling you about Bristol as Weberian pyramidal hierarchy, of Oxford, well, as, what can I say, bird's nest? Spiderweb? A limit case that defies attempts to construct theories of bureaucracy? But I

The Law Faculty's annual graduate leavers' dinner was held on 13 July 2006 at Keble. Along with Faculty members and benefactors, over 200 students attended, from 42 countries spanning five continents. Speakers were Professor Timothy Endicott (as Director of Graduate Studies (Research)), Felipe Alviar Baquero (BCL student), Nerisha Singh (DPhil student), and Professor Bronwen Morgan, formerly of the Oxford University Law Faculty and now Professor of Socio-Legal Studies at Bristol University's Faculty of Social Sciences and Law. The evening was enjoyed by all. In only its third year, the event has become a well-loved tradition that gives our Faculty members as well as graduate students a chance to celebrate the year. Extracts from some of the speeches follow.

am tired of the iron cage of modern rationality, as my surrealist inspiration intimates, and so instead I'm going to dabble anecdotally in history, music and geography to tell you what I see here in the Oxford postgraduate communities.

'It's been said that there are three areas of professional life today that have 'never been modern' – or at least have changed far less in centuries than other professional undertakings – and these are universities, the bar, and classical orchestras. You may revel in that, or swear to reform, but you here tonight are a unique blend of all three. The bar and the university rather obviously overlap in a hallful of people such as we have here tonight, but the link to music may be a little more obscure: here, based on participant observation over six years teaching BCL/MJur and research methods, sitting on graduate student committees, listening to research student presentations, is my thumbnail socio-legal sketch of the aesthetic dynamics of the Oxford Postgraduate Philharmonia.

'This is a conductorless orchestra, in the fine tradition of the Australian Chamber Orchestra, for example. (And with apologies, or perhaps not, to Timothy and John). Instead, a stern array of teaching staff and supervisors man the percussion instruments, beating everyone along to a necessary timetable, punctuated by the occasional cymbal clash or triangle ping, depending on the supervisory style. Fronting the performance are the serried ranks of the strings, the BCL-MJur cohort of sweeping melodies in unison, differentiated of course by the varied textures of violin, cello and viola. The different wind instruments, fewer in number and thus fitted for making startlingly original contributions, are research students, the international human rights explorers peeling their silver linings from the flutes, the comparativists taking their cue from the complicated coils of the French horns, the more rarely explored topics punctuating the music with plaintive injections from oboes or bassoons. Finally, in the tradition of Janacek's famous Sinfonietta, where some sixteen trumpets stand up in the final movement to play an exultant fanfare, we have, of course, those who tell us, and in such a way that all cannot but listen, what is necessarily true about law. The jurisprudence research students. Ignore their message at your peril: no loose definitions here – for a pipe, my dear sirs, is a pipe.

'So this, then, is the Oxford Postgraduate Philharmonia, and what music do they play? Is it a triumphal march inspiring feelings of community and shared endeavour? A series of improvisational riffs on some enduring classic

themes? A melancholy blues lamenting the lost coherence of our legal systems? A discordant symphony of new music, understood only by the cognoscenti? It is of course all of these things and more - the beauty of it is that the voices are so many, and so different, and can still communicate and even meld together. Indeed, I sometimes had a real sense of wonder teaching the BCL/MJur regulation class that we could all understand each other. I suspect there may even be some in this room who remember a call to define the common conception of the rule of law that our discussion assumed, and the discomfort as the chasms yawned... (and this you see reminds us that we are genuinely indebted to the jurists, notwithstanding witticisms at their expense...).

'In just the last year or two, three former students or research assistants have emailed me with news of their work – one working with British Gas as Evo Morales nationalises the gas industry in Bolivia; another working with the Indian state electricity regulators as India consorted with Enron in the privatisation of its electricity industry; a third working with the Buenos Aires water regulator as the French giant Suez withdraws, leaving the Argentinian government to struggle with the politics of regulatory sanctions upon an under-resourced public company. This is fascinating work, but often politically and ethically murky. As you go about it, think about what you have learnt here, the way you have learnt to argue, perhaps most importantly who - who have you argued with, what you learnt about them, and how you learnt to argue in dialogue with who they were, from their humanity, their history, their culture, their politics. It may be that adversarial trials are as close as we will ever get to truths, and perhaps this is the sense in which lawyers are peculiarly well-equipped for our pluralistic world. But if this is true, we need now more than ever to infuse these skills not only with the adversarial spirit of combative logic, but also with play, creativity, the ludic, even perhaps a touch of the ludicrous.

'The time of your postgraduate education is a fragile bubble that gives you this kind of mix like no other time – so take that out into wherever you go now – perhaps like a Pied Piper – perhaps more modestly – certainly not like a pipe, for whatever you do, remember: Ceci n'est pas une pipe. Ceci est BCL, MJur, MPhil, MLitt, MSt, DPhil. Ceci est magnifique, ludique, baroque, bizarre. Ceci est Oxford.'

The full speech can be found at:
http://denning.law.ox.ac.uk/news/eventdetail.php?events_ID=1210

The Seven Dwarves meet the DPhil – Nerisha Singh's speech at the Law Feast

Introduction

'Ladies and gentlemen, it gives me great pleasure to speak to you this evening. As someone recently said, being a research student really is like becoming all of the Seven Dwarves. In the beginning you're Dopey and Bashful. In the middle, you're Sneezzy, Sleepy, and Grumpy. But at the end they call you Doc, and then you're very Happy. So tonight I'm going to explain how I started out as Dopey and Bashful, then became Sneezzy, Sleepy and Grumpy. And in a few months hope to be a Doc and then very Happy.

Dopey and Bashful

'Looking back, when I arrived in Oxford, I was definitely Dopey and Bashful. Dopey because on my second day I navigated the Law Faculty and it took me 2 hours to find the administrative office.

'But things improved quickly. After all this is what Oxford does well. It's been doing it for 850 years and so I went from day two and not being able to find the door to day three and meeting the inspirational Peter Birks. He was Director of Graduate Studies in my first year, and everyone here knows about what Peter Birks did, but for me it was not about what he did but the way he made me feel. Whether it was at a termly scheduled meeting or a chance meeting in the corridor, he had the gift of making me feel confident in my ability to make a substantial contribution to the study of law and for that I will always be grateful.

Then about a week ago, in the corridor of the Law Faculty I ran into an anti-apartheid hero, Justice Albie Sachs, a Judge of the Constitutional Court of South Africa. And for me it was slightly surreal, but mostly breathtaking as I went from stumbling into a

judge one minute and then having lunch with him and being cross-examined over my thesis. It is inspiring that people of such calibre have the time, and on the spur of the moment too, to devote to people who will learn more from them than they will from us.

Sneezzy, Sleepy and Grumpy

'After being Dopey and Bashful, you then move into the stage of being Sneezzy, Sleepy and Grumpy. And to be honest, we get like this because of our supervisors. When research students are not writing their thesis, we get together and discuss our supervisors over delicious freshly-brewed (machine-generated) 30p coffee in the common room. Three years of these chitchats have well and truly made me an expert on deciphering supervisor comments. And for your edification, I am going to present a guide to decoding supervisor comments. So when your supervisor says:

'I found the overall concept interesting' – this is my token compliment before ripping your idea to shreds.

'You have failed to take account of some of the more relevant literature' – you failed to cite me.

'There are some aspects of the chapter that I would like to hear more about' – I read it but I just don't remember anything about it.

'Think of this as an investment in skills that will be useful to you in your later career' – you're going to suffer.

'Write another chapter' – write another chapter.

'Let's wrap this up' – I'm hungry. I need my lunch.

Happy

'But, ladies and gentlemen, today I am a HAPPY dwarf. On occasions such as these when we gather together to celebrate the achievements of the past year and to bid farewell to those who are leaving Oxford, it is a time for reflection. And thinking back on my last three years fills me with a sense of pride and joy because at the Law Faculty, I was not Sneezzy, Sleepy and Grumpy for too long. There were many lectures, seminars and speaker events which allowed me to engage in debates and conversations about different areas of law. In my first year, I was on the executive committee of Oxford Public Interest Law, now reconstituted as Oxford Pro Bono Publico. In my second year, as DPhil representative, I had a wonderful opportunity of working closely with the Faculty in improving the welfare of research students. Also in my second year, I joined the Oxford University Commonwealth Law Journal as Associate Editor and carried this into my third year as General Editor. I can safely say that after my work on the journal and all the OSCOLA editing I had to do, if my career as a computer evidence expert fails, I can safely live off editing DPhil theses for Oxford students.

'Because of the opportunities available, I (like other students in the Faculty) am far from your typical research student who spends the day in solitude. And even if I do find myself working for hours without talking to anyone, the one person I can always rely on for a friendly conversation in the law library is Bill Hudson. Many of you might not recognise his name, but he is that kind face that smiles genially at you every morning when you enter the library. I will remember the one day when I just happened to mention to Bill that it was very cold at my desk. I went out for lunch and when I came back, I found that he had placed a heater at my desk.

'It's people like him that really prove that it's not the building that counts but the people inside it who create a wonderful and conducive environment for us to work in. I want to particularly thank Ruth Bird and the law library staff for creating a new graduate workspace - at least now we don't have to deal with those noisy undergrads.

'I also want to thank Sandra Meredith and Angela Carritt, our two computer wizards who have truly made life easy for us. But in so doing they make their own lives hard. Once upon a time it was the norm to get out of bed, come to the library, get a journal off the shelf and read it. But thanks to people like Sandra and Angela, we are no longer content with that, and tend to get irritable if even the world's most obscure journal cannot be found on-line while in bed with two pillows behind our back.

'It's been a wonderful three years and in a few months time, I hope to be Doc.'

The full speech can be found at http://denning.law.ox.ac.uk/news/eventdetail.php?events_ID=1210



Pictured are clockwise from left, Felipe Alviar-Baquero, Professor John Gardner, Nerisha Singh, Professor Bronwen Morgan and Professor Timothy Endicott

News from the Bodleian Law Library

The past year has seen some exciting developments in the Bodleian Law Library. In April 2006 we opened our first new reading area since the late 1990s with the creation of the Graduate Reading Room on the Lower Level of the library. The area formerly housed our superseded US State codes, but these were moved to new rolling stacks on the ground floor, and the whole area was refurbished. There are now an additional 45 seats for our graduate students. The Graduate Reading Room has ethernet points at most seats and we have also installed wi-fi access, so laptop users can be seated on one of several comfortable couches when accessing the network from their laptops. The funding for the refurbishment was provided by the University and the Library Service.

Support of the Law Library by firms and alumni continues to provide services, programmes, and materials which would otherwise not be available to our students. These invaluable ongoing commitments mean that

we can undertake strategic planning for our programmes several years in advance. Generous grants were once again received from Freshfields Bruckhaus Deringer, Lovells, and Baker & McKenzie. The City Solicitors' Educational Trust also renewed its support with the provision of funds for two separate databases of English material.

We were fortunate to have these ongoing grants supplemented by two new donors. In October 2005, Slaughter and May generously agreed to provide support for a two-fold programme. The first part was to extend the range of legal research classes offered to our undergraduate and postgraduate readers; the second part was to develop a range of Reader Guides to the collection. These are provided in paper and also online from the law library's web site. We also received a one-off grant from Cravath, Swaine & Moore to support the collection, and this money will be used to supplement the range of US law monographs and two legal databases.

Our web site was redesigned in October 2005, and we aim to provide a one-stop shop for the legal research needs of our students and Faculty members. It can be accessed at <http://www.ouls.ox.ac.uk/law> and includes information that is freely available on the internet that may be of use to lawyers throughout the world, not only at Oxford.

Alumni are reminded that they are welcome to make use of the Bodleian Law Library if they are visiting Oxford and need to undertake some research, or need access to the internet from a computer. Further information about opening hours and services can be found at <http://www.ouls.ox.ac.uk/law>.

Ruth Bird
Bodleian Law Librarian
August 2006



Library team with Ruth Bird (centre)

Nuffield Grant for Affirmative Action Research

An interdisciplinary team from Sociology and Law has been awarded a two-year grant from the Nuffield Foundation to study the operation of affirmative action in Northern Ireland.

Professor Anthony Heath, Professor Christopher McCrudden and Dr Heather Hamill aim to investigate the operation and effectiveness of affirmative action policies carried out in Northern Ireland since 1990. 'The programme of affirmative action to secure greater integration of the Catholic and Protestant work-forces in Northern Ireland has been one of the most notable features of recent policy in Northern Ireland', said Professor Heath.

Surprisingly, the Northern Ireland programme has not, however, received a thorough-going evaluation. The present project will conduct a thorough investigation and evaluation that should provide an effective basis for future

policy-making in this important area. Its success therefore has great potential for understanding how to combat unfair employment and to secure greater equality of opportunity more broadly.

Preliminary work by the team indicated that firms with whom affirmative action agreements had been reached did appear to make greater progress in securing integration of the Catholic and Protestant work-forces than did other firms.

However, the preliminary research gave no indication of what were the mechanisms or causal processes that generated this progress. If other policy-makers are to learn from the Northern Ireland experience, they will want to know how the programme worked. Were voluntary agreements successful without additional sanctions? Did they need to be backed up by individual anti-discrimination

litigation or by pressure from NGOs? How did the firms themselves secure greater integration? Did they do so by changing their practices when advertising jobs, by changing their selection procedures, or by opening establishments in different localities? The aim of the research is to answer these questions and therefore to be able to determine which were the crucial 'drivers' of change.

Oxford and the Social Sciences Research Network

In May this year, the Faculty launched the University of Oxford Faculty of Law Legal Studies Research Paper Series (RPS). The RPS is an electronic journal of current Faculty research publications, edited by Professor Christopher McCrudden and Dr Justine Pila. It is hosted on the Social Sciences Research Network's Legal Scholarship Network, which is home to a wide range of current legal scholarship. The Oxford RPS was established to facilitate the early and widespread publication of all Faculty research, whether completed or in-progress, published or unpublished elsewhere.

To keep up to date with new research from Oxford, you can subscribe to the RPS for free. Distribution is by means of an email containing an abstract of each paper with a link where possible to the full text version located on the SSRN site. The journal is produced approximately six times a year.

The papers are also available from a dedicated RPS web page at <http://www.ssrn.com/link/oxford-legal-studies.html>. To subscribe, go to this web page, and follow the link for subscription.

EC funds training programme for European national judges

In April 2006 the University of Oxford Centre for Competition Law and Policy (CCLP) hosted its first training programme for national judges. The programme, endorsed and subsidised by the European Commission, took place over five days and consisted of lectures and workshops. The programme covered, among other topics, Antitrust Economics, Article 82 EC, Abuse of Dominant Position, Article 81 EC, Agreements and Concerted Practices, Regulation 1/2003 and public and private enforcement. Close attention was paid to the enforcement of competition laws by national courts and the co-operation between the European Commission and national courts. As part of this programme, participating judges took part in an elaborate case study which involved both practical and theoretical aspects and simulated the application of competition law in national courts.

The programme enables judges from different member states to meet and learn about each other's jurisdictions. It proved very successful in

knowledge sharing and in providing judges with a solid understanding of competition law. This success was reflected in the evaluation forms completed by the delegates. In their feedback, 100% of participants indicated that they would recommend the programme to others.

Following this year's success, the CCLP has been awarded additional funding from the European Commission to train national judges in the forthcoming year. The next training programme is due to take place in June 2007. Additional information on this programme and other activities is available on the CCLP website, www.competition-law.ox.ac.uk.

Ariel Ezrachi
Slaughter and May Lecturer in Competition Law and Director of the CCLP
Director of the Centre for Competition Law and Policy

Governing Genetic Databases

This year, the Oxford Law Faculty's links with specialist legal research work being undertaken elsewhere within the University have been enhanced through a seminar series run by Sue Gibbons of the Ethox Centre (University of Oxford Centre for Ethics and Communication in Healthcare Practice) and Jane Kaye of Ethox and the Oxford Genetics Knowledge Park.

The seminar series, entitled 'Governing Genetic Databases: Collection, Storage and Use', was part of a three-year socio-legal project that is looking into the regulation of human genetic databases in England and Wales. While such collections and biobanking activities are burgeoning, there is little clarity over the existing legal framework or how best to govern them. The project (www.ggd.org.uk) is addressing these concerns. By conducting a detailed analysis of existing UK laws and guidelines, mapping the regulatory space, identifying current practices and concerns of clinicians and research geneticists, developing a typology of different collection types, and

drawing upon theories of regulation, the project aims to formulate policy recommendations for governing UK genetic databases more coherently, effectively and proportionately in the future.

The seminar series 2006, which coincided with the first year of the project, featured eminent legal scholars from the UK and abroad. Distinguished international speakers included Professor Bartha Maria Knoppers (Montreal), whose paper explored the challenges of regulating large-scale international collaborations and consortia, and Professor Timothy Caulfield (Alberta), whose topic was 'Public Perceptions, Public Trust and Biobanks: New Challenges and New Social Norms'. From the UK, Professor Alastair Campbell (Bristol), Professor Roger Brownsword (King's College, London) and Professor Deryck Beyleveld (Sheffield) covered a host of fascinating issues, including forensic use of research databases, legal and ethical issues surrounding UK Biobank, and data protection, medical research and the public good.

The seminar papers will be published together in July 2007 as the first-ever special issue of the King's College Law Journal. As well as acting as general editors for that special issue, Jane and Sue are organising another seminar series for 2007. It will focus on implementation challenges around genetic database regulatory measures.

Sue Gibbons

Pictured are (L-R) Sue Gibbons and Jane Kaye



World Wide Junior Corporate Scholar Forum

The Columbia Law School has invited Dr Wanjiru Njoya to present a paper to their conference in New York on 2 and 3 March 2007. The conference is the outcome of a writing competition called the World Wide Junior Corporate Scholar Forum, which is open to legal scholars working in the fields of corporate and securities law. The paper is entitled 'Corporate Governance, Human Capital and Global Divergence: A British Perspective', the first draft of which was presented at the Oxford-Texas Law Faculty Interchange in April this year.

Report from the Centre for Criminology

Just over 12 months have passed since I took up the post of Professor of Criminology and Director of the Centre. It has been an exiting and, for me, immensely enjoyable year, as the Centre has reoriented its activities and laid the foundations for a prosperous future.

My first task has been to begin developing a research programme that coheres around key themes in which the Centre has some of the world's leading researchers and for which we can seek funding from a wide range of sources. These themes – which are set out in the Centre Strategic Plan 2006-11 – are: security, rights and justice; sentencing and punishment; public opinion, politics and crime control policy; organized crime; victims and crime, rehabilitation and desistance. Over the next several years, we intend that these will provide the basis, not only for fostering high quality research and publication, but for developing innovative clusters of doctoral and post-doctoral researchers working in these fields.

On the teaching side, the Centre has this year been successful in achieving Economic and Social Research Council (ESRC) recognition for a new 'Research Methods' variant of the MSc Criminology and Criminal Justice and for our doctoral training programme. This recognition – in a national competition – was accompanied by the award of 4 masters/doctoral studentships for 2006-7 and 2007-8, with more likely to follow thereafter. This is the first time the Centre has acquired such recognition and it has provided a boost to our efforts to develop the Centre into a renowned site of graduate education in criminology. We will be welcoming 20 students onto our MSc degrees this October, together with 5 of last year's MSc students who have proceeded to the MPhil in Criminology which commenced this year. The Centre now has a good platform from which to expand our masters and doctoral teaching over the coming several years.

We have also this year appointed Dr Mary Bosworth to a University Lectureship in Criminology. Mary comes to the Centre having previously been a Research Fellow in the Faculty's Centre for Socio-Legal Studies and, before that, an Associate Professor in Sociology at Wesleyan University in the US. Mary brings to the Centre an interest and expertise in prisons and the sociology of punishment, with a specific focus on how the pattern and experience of detention is shaped by ethnicity, gender and citizenship. In addition, three members of the Centre have been awarded titles in the University's recent recognition of distinction exercise: Julian Roberts and Federico Varese have been accorded the title of Professor of Criminology and Carolyn Hoyle that of Reader in Criminology. Finally, on the staff front, we have appointed two new administrators: Sarah Parkin to the job of Centre Administrator, and Cathy Byford to the newly created post of Graduate Studies Administrator.

Other highlights of the year for the Centre and its members have included:

The publication of books by Julian Roberts (Understanding Public Attitudes to Crime and Punishment, Open University Press with Mike Hough), Andrew Ashworth (Proportionate Sentencing, Oxford University Press, with Andrew von Hirsch) and David Faulkner (Crime, State and Citizen (2nd edn), Waterside Press).

Julian Roberts has been appointed Editor and Benjamin Gould Associate Editor of the European Journal of Criminology.

Benjamin Gould and Liora Lazarus organised an extremely successful international colloquium at St Anne's College on 'Security and Human Rights'. This will result in a volume of essays to be published by Hart in 2007. The Centre also played host in June to a one-day seminar of the European Group for Research on Norms ('GERN') on this same topic at which several Centre members presented papers.

Ian Loader and Julian Roberts both proffered written advice to Prime Minister Tony Blair in advance of his speech on 'Rebalancing the Criminal Justice System'. Their submissions can be found at: <http://www.number-10.gov.uk/output/Page9891.asp>.

Ian Loader has been invited to deliver the 2006 John Barry Memorial Lecture at the University of Melbourne in November. He will speak on Civilizing Security, the subject of his forthcoming book with Neil Walker to be published by Cambridge University Press in 2007. Lucia Zedner has been invited to deliver a 'Current Legal Problems' lecture at University College London. She will speak on the issue of 'Preventative Justice or Pre-Punishment: The Case of Control Orders'.

The Centre hosted a lecture by the Lord Phillips, the Chief Justice of England and Wales, at which he delivered an important and well-publicised judicial statement on the importance of non-custodial sentences.

Ian Loader has, together with Sarah Percy of the Department of Politics and International Relations, been awarded a grant by the ESRC for a multi-disciplinary seminar series on 'The New Economy of Security: Contemporary Insecurities and the Pluralization of Coercive Force'. Ros Burnett has been funded by the British Academy to study the impact of the National Offenders Management Service on front-line staff.

Professor David Garland of New York University delivered the inaugural Roger Hood Public Lecture on the topic of the US Death Penalty. This was well-attended, enjoyable and stimulating occasion and the best possible start to what I hope will become an important event in the Centre's calendar. The 2007 Roger Hood Lecturer will be Professor John Braithwaite of the Australian National University.

All in all, it has been an eventful and exciting year in the life of the Centre, as we put in place the building blocks for developing our research and teaching programmes over the next several years. Those who wish to find out more, or keep abreast of the Centre's activities, can do so at: <http://www.crim.ox.ac.uk/>.

Ian Loader
Professor of Criminology and Director of the
Centre for Criminology



Report from the Centre for Socio-Legal Studies

For the Centre for Socio-Legal Studies, the new academic year will herald major development and expansion in both personnel and research. Two permanent University posts and three research fellowships for limited terms will, we hope, be filled during the course of the year.

Professor Doreen McBarnet, who has been a leading figure at the CSLS for more than twenty-five years, is due to take early retirement from her University post but will continue as a Research Fellow part-time. Her post will be replaced by a University Lectureship in Socio-Legal Studies. The second permanent University post – a University Lectureship in Law and Regulation – arises from the retirement of Professor Keith Hawkins, who was one of the pioneers of socio-legal research in the United Kingdom.

The successful candidate for the Harold Woods Research Fellowship, which is held jointly with Wadham College, Ms Cinnamon Carlarne, joined the CSLS in September 2006. Ms Carlarne was an Assistant Professor of Environmental Studies at the University of Cincinnati, having previously read for the BCL and an MSt in Environmental Sciences at Oxford. Her research focuses on the socio-legal factors influencing policies concerning climate. Since much of the early research of the CSLS was in environmental law and policy, it is pleasing to be able to revive that area of interest.

Funding has also recently been secured for the continuation of the Nicholas deB. Katzenbach Fellowship. Since Mr Katzenbach was a Rhodes Scholar at Balliol College, the College's decision once again to be associated with the Research Fellowship in his name is fitting and much welcomed. The funding of the position has been secured through the generosity of Mr Katzenbach's many friends, colleagues, and admirers, among whom Mr Paul Dodyk, an attorney and also a Rhodes Scholar, warrants special mention. Although Mr Katzenbach distinguished himself in several different careers during a long working life as lawyer, professor, and government official, he is perhaps best remembered and most admired for his work in public law, and in particular in helping to establish the civil rights of minority communities in the United States of America.

The final position to be filled is a research fellowship in Comparative Media Law and Policy. The success of the programme in developing a range of activities has led to a substantial donation from the Royal Dutch Shell Company, which will help to place the programme on a more secure footing and contribute to the funding of a research fellowship to replace Dr Damian Tambini who, after guiding the programme for the last five years, has moved to a senior position at the LSE. Dr Danilo Leonardi, whose research is in the area of freedom of expression in relation to the media, has taken over as head of the media law programme.

It is a pleasure also to announce a grant from the Foundation for Law, Justice, and Society, an independent think-tank affiliated with the CSLS, to fund the position of Dr Marina Kurkchiyan, who specializes in law and society in transition societies. The Board of the Foundation, of which Mr John Adams, long-term benefactor of the CSLS, is President, wishes to support Dr Kurkchiyan in a sustained study of Russian legal culture, with particular reference to contemporary forms of dispute resolution. Dr Fernanda Pirie, an anthropologist with a background in law, who joined the CSLS a year ago as the Adams Research Fellow, continues her research into order and disorder, informal legal processes, and conflict resolution on the Tibetan plateau. Professor Doreen McBarnet is nearing the end of her three-year tenure of an Economic and Social Research Council Professorial Fellowship, awarded to enable her to devote her time to a major study of Regulation, Responsibility and the Rule of Law.

The programme in Comparative Civil Justice, conducted by Dr Christopher Hodges and Dr Magdalena Tulibacka, has made very considerable progress since it was established three years ago. Civil justice systems across Europe are changing, both as to procedures and the mechanisms for funding litigation. Particularly significant and topical aspects are the spread of class actions and contingency fees. The programme includes the mapping of the European funding systems for civil justice and will be expanded to include an international study of class actions.

My own study of the character and role of law in modern societies has come to fruition as a book in the Clarendon Series entitled *Law in Modern Society*, published by Oxford University Press in September of 2006. In developing a theoretical approach to the study of law in society, I was able to draw on many years of experience with law, government, and public administration in east Europe, as well as the extensive body of empirical research conducted by my colleagues of the CSLS and elsewhere. Now that this book, which has kept me preoccupied for several years, is finished, my future research will concentrate on developing a better understanding of the social foundations of public law.

The new academic year will bring an additional seven research students to an already buoyant student body. At the start of the academic year 2006-7, 21 students will be working at the CSLS towards their doctorates or other research degrees: the range of research being conducted by our students is truly impressive. The academic year 2006-7 promises to be one of the most fruitful in the Centre's long history.

Denis Galligan
Professor of Socio-Legal Studies and
Director of the Centre for Socio-Legal Studies



Report from the Institute of European and Comparative Law

The Oxford Institute of European and Comparative Law (IECL) looks back on an exciting year, and it looks forward to the interesting times ahead. In the course of the academic year 2005-6 the Institute organised a number of conferences and workshops which attracted audiences both from within Oxford and far beyond. As in the previous year, the main event was a highly successful conference held in collaboration with Clifford Chance LLP. It was generously sponsored by the firm which has been the major supporter of the Institute since its establishment in 1995. The one-and-a-half day conference focused on 'Regulating the European Market'. Professor Stephen Weatherill, Jacques Delors Professor of European Community Law and Deputy Director of the Institute, brought together academics, practitioners and decision-makers from all over Europe. Apart from distinguished academics, speakers included the Rt Hon Denis MacShane MP, Mr Nigel Haythornthwaite who chairs the Better Regulation Commission, and Mr Stuart Popham, Senior Partner of Clifford Chance, who presented a much awaited business survey concerning attitudes to EU regulation.

A one-day conference on 'Forum Shopping in the European Judicial Area' was organised by Professor Pascal de Vareilles-Sommières, Deputy Director of the Institute until September 2006. This brought together academics and practitioners from France and the UK who discussed the recent case law of the European Court of Justice under the European Jurisdiction and Judgments Regulation. The event was funded by the Association Sorbonne-Oxford which was founded by the Institute, the University of Paris I (Panthéon-Sorbonne) and Clifford Chance, the principal financial supporter of the Association.

Another conference focused on the recent EC Directive on Unfair Commercial Practices. It was organised by Professor Weatherill and Professor Ulf Bernitz, the Director of the Oxford-Stockholm Collaboration, with the support of the Wallenberg Foundation. Speakers came from the European Commission, Germany, the Netherlands, Sweden and, of course the UK.

The Institute's Centre for Competition Law and Policy and its Director Dr Ariel Ezrachi helped organise a conference on Intellectual Property at the Said Business School in March. In the following month, the Institute and the Centre also ran the highly successful four day training programme for national judges in European Competition Law (see page 11). A symposium on 'Trends in Retail Competition: Private Labels, Brands and Competition Policy' was organised in June by Professor Bernitz and with funding from the Wallenberg Foundation and from the law firm Bristows. In July, Professor Stefan Vogenauer, Professor of Comparative Law and Director of the Institute, held a two-day workshop on the UNIDROIT Principles of International Commercial Contracts, bringing together a dozen experts from some ten jurisdictions who are contributing to a commentary on the Principles.

The academic year 2005-6 also saw the publication of the first two volumes of the newly established Studies of the Oxford Institute of European and Comparative Law with Hart Publishing Ltd. They assemble the papers of three earlier Institute events, the 2005 conference, organised jointly with Clifford Chance, on 'The Harmonisation of European Contract Law', and two earlier colloquia with the Law Faculty of the University of Paris II (Panthéon-Assas) on a comparison of 'The Public/Private Law Divide' in France and in the UK. The papers from some of the conferences mentioned above will be published in the series over the coming few months under the titles 'Regulating the European Market', 'Forum Shopping in the European Judicial Area' and 'The Regulation of

Unfair Commercial Practices under EC Directive 2005/29'.

A further recent development is the arrival of Professor Philippe Théry, a specialist in private law and civil procedure from the University of Paris II. He replaces Professor Pascal de Vareilles-Sommières as the French Deputy Director of the Institute.

An important future development is the establishment of a student exchange between the Oxford Law Faculty and a Spanish Faculty. The Institute administers the Faculty's existing exchange programmes with faculties from France, Germany, Italy and the Netherlands. It is hoped that the addition of a similar exchange with Spain will attract further top-class applicants for the Faculty's highly successful four year degree in 'Law with Law Studies in Europe'. It is to be expected that an exchange agreement with a Spanish partner faculty will be concluded later in the year.

In addition, the Institute is involved in a substantial upgrading of the French law collection of the Bodleian Law Library with additional funding from the Association Sorbonne-Oxford.

The most important development for the Institute, however, is the re-establishment of the Erich Brost University Lectureship in German and European Community Law. This was made possible by an extremely generous donation of Dr Erich Schumann, Managing Partner of the WAZ Media Group, Essen. His gift was used to increase the endowment for this important post which will now cover the costs of a University Lectureship. The post will be advertised shortly with a view to filling it in the course of 2007. It will strengthen the teaching of European law, and particularly of German law, at Oxford enormously. It will be a lasting tribute to Dr Schumann's adoptive father, Erich Brost, a Social Democrat who emigrated to the UK under the National Socialist regime, and who was granted a newspaper license for the Rhein and Ruhr areas by the British Occupying Forces in 1948 which formed the nucleus of today's WAZ Media Group.

It falls to me, as Director of the Institute, to thank all our benefactors, particularly Clifford Chance and Dr Erich Schumann, for their support which enables us to pursue such an active agenda of research and teaching. Further information on the Institute's activities, including the most recent Annual Report, can be found on www.iecl.ox.ac.uk.

Stefan Vogenauer,
Professor of Comparative Law and
Director of the Institute of European and Comparative Law

Pictured are speakers at the Conference on Forum Shopping in the European Judicial Area, from left to right: Marie Laure Niboyet, Lord Mance, Richard Fentiman, Ed Peel, Horatia Muir-Watt, Andrew Dickinson, J.P. Ancel, Alexander Layton, Pierre Mayer, Pascal de Vareilles Sommières, Arnaud Nuyts.



Shearman and Sterling Moot

The Shearman and Sterling LLP University of Oxford mooting competition has grown in popularity in each of the three years it has been running. This year it attracted a large number of entries which were then reduced to 12 teams on the basis of skeleton submissions. The teams competed in an intense day of mooting on 11 February 2006, with three preliminary moots in the morning, judged by partners of Shearman and Sterling LLP and Dr Catherine Mackenzie (Green College) followed by a semi-final and final in the afternoon and evening. The problem was the same throughout the day. It involved a deliberate breach by an employee of a valid restraint of trade clause in an employment contract that turned out to be extremely profitable. In a close final, Mr Gareth Tilley (Exeter) and Mr James Chegwidan (Magdalen) persuaded Mr Justice Paul Walker, who kindly came up from London, to dismiss the former employer's appeal. The grounds were that it was too late to award an injunction, that the particular circumstances were not sufficiently exceptional to make an award of gain-based damages of all or any proportion of the profit, and that no financial loss had been suffered. Mr Justice Paul Walker acknowledged the thoughtful submissions of counsel for the appellants (Mr Paolo Santi and Mr Adam



Turner, both from Brasenose) and said that if the circumstances had been different he might well have made a gain-based award of the price that a reasonable person would have paid to relax the covenant. The generous support of Shearman and Sterling LLP ensured the success of this exciting day.

Pictured are (L-R):
James Chegwidan
(Magdalen College, winning team)
Mr Justice Paul Walker,
Mr Roderick Bagshaw
(Fellow, Magdalen College and
Vice Chair of Law Board)
Mr Gareth Tilley
(Exeter College, winning team)
Ms Judy Mackenzie Stuart
(Shearman and Sterling)
Professor Ewan McKendrick
(then Chair of the Law Board)
Dr James Edelman
(Fellow, Keble College, Master of Moots)

Fourth Annual International Intellectual Property Moot at Oxford

The Fourth Annual International Intellectual Property Moot at Oxford took place at Oriol College over the weekend of 1 and 2 April 2006. Hosted by the Intellectual Property Institute (IPI) and the Oxford Intellectual Property Research Centre (OIPRC), the event brought together students from universities across the world, with teams from the National University of Singapore, Lithuania, Hong Kong and Sri Lanka all competing for the first time.

The facts this year once again proved to be highly topical and at the forefront of IP, concerning the downloading and reproduction of music and associated rights. They provided ample fuel for students with each of the rounds being closely contested. The final between the National University of Singapore and the home team Oxford took place in a packed lecture theatre, before what has been described as a 'dream intellectual property panel' consisting of Lord Justice Mummery, Lord Justice Jacob and Mr Justice Pumfrey. The final was quite possibly the closest yet with Natalie Brown and Nikita Alatorsev of Oxford losing to Suegene Ang and Felicity Tan from the National University of Singapore.

The moot is now in its fourth year, and it goes from strength to strength. Its inclusive ethos enables mooters of various abilities to present arguments in a highly competitive environment, which it is hoped will inspire students throughout the world to further their study of Intellectual Property law for the foreseeable future. The moot could not go ahead without the generous sponsorship of a number of law firms, patent attorneys and chambers and without the invaluable support of IP practitioners who give up their time to judge the event. Thanks are also owed to members of the Organising Committee 2006.

Sophie Palmer
Chair of the Organising Committee
Keble College

Oxford wins the Gray's Inn Varsity Moot 2006

The annual Varsity Moot between Oxford and Cambridge Universities took place on 27 February at Gray's Inn. The moot, judged by Lord Justice Mummery, Lord Justice Richards and Mr Justice Ouseley concerned a matter of clinical negligence, in which it was necessary to challenge the House of Lords decisions of *Chester v Ashfar* and *Gregg v Scott*. Oxford was represented by Benjamin Bradley and Alasdair Henderson (both Lincoln). Although they had mixed success on the law, the (more important!) decision regarding the moot itself went unanimously in favour of the Oxford team.

After the moot, the competitors and approximately 40 supporters from both universities were treated to dinner courtesy of Gray's Inn. The Oxford team are grateful to Roderick Bagshaw (Tutor in Law, Magdalen College), and James Lee (Graduate Student, Balliol College), for their support, advice and coaching in the run up to the competition, which undoubtedly helped contribute to the victory.

Ben Bradley
Lincoln College

HONOURS & AWARDS

Professor Christopher McCrudden

On 5 July 2006 Professor Christopher McCrudden was awarded the honorary degree of Doctorate of Laws by the Queen's University in Belfast for services to the legal profession. The following is extracted from the citation given at the ceremony.



'Professor Christopher McCrudden is a leading expert on human rights, equality and discrimination law, a scholar of international standing whose contribution has shaped the subject and is widely acknowledged nationally and internationally. He has played a central role in working for the promotion of equality in Northern Ireland including: ensuring that Northern Ireland's fair employment legislation is robust, remains effective and is a model of best practice; being the key architect of section 75 of the Northern Ireland Act 1998 (Northern Ireland's innovative statutory equality duty); working consistently to ensure that no individuals and communities requiring the protection of the law are excluded; commissioning serious high-quality research which genuinely altered the terms of the debate while a member of the Standing Advisory Commission on Human Rights in the 1980s; and in promoting a better understanding of Northern Ireland within legal studies generally.

He helped to ensure that the human rights and equality guarantees contained in the Good Friday Agreement were fully reflected in the Northern Ireland Act 1998. He continues to work to assist Northern Ireland in trying to

achieve best international and comparative practice and remains determined to make sure equality and human rights law means something for people who need the protections most.

When Mary Robinson, former President of Ireland and former UN High Commissioner for Human Rights, visited Belfast in December 1998 she singled Professor McCrudden out for praise: "You have been fortunate to be able to call on the experience and ability of Dr Christopher McCrudden, an acknowledged expert on discrimination law who has contributed his intellectual clarity to the problem of discrimination over two decades".

Brendan O'Leary, the Lauder Professor of Political Science at the University of Pennsylvania describes Professor McCrudden as "a man whom I deeply admire". He goes on to note: "When I went to Garron Tower (St. MacNissis College, Carnlough) in 1969, aged 11, he was starting his Upper Sixth Year (aged 18). He was distinguished by his intelligence, debating skills and the fact that he sported cravats (when they were not fashionable). He has always been consistently liberal, rational, and unfashionable (in his clothes, and intellectual styles)."

Department of Constitutional Affairs Grant

Faculty members Dr Ben Goold and Dr Liora Lazarus have been awarded a significant grant from the UK Department of Constitutional Affairs to complete a research project on the balance between liberty and security in the UK, the European Court of Human Rights, and other European jurisdictions (including Germany). The focus of the project will be on the extent to which the proportionality doctrine is capable of responding to the complex contemporary demands of security and public protection while also protecting the rights of the individual.

Lecture to the Hong Kong Judicial Studies Board

Ms Mindy Chen-Wishart (Reader in Contract Law, fellow of Merton College and Director of Undergraduate Studies) was invited by the Judicial Studies Board of Hong Kong to deliver a lecture to their judges. She spoke on the nature of the doctrine of undue influence, a doctrine that has experienced something of a revival in the recent line of cases on the enforceability of guarantees given by friends or family members of debtors to banks. She argues that the doctrine is more complex and subtle than the current debate between those who subscribe to the 'defective consent' or the 'reprehensible procurement' schools of thought. The doctrine upholds the integrity of valuable relationships involving trust, dependence and allegiance by requiring the defendant to have due regard for the substantive and procedural norms implicit in the relationship of influence he shares with the claimant when he transacts with her. Ms Chen-Wishart also delivered some lectures and talks to law students at the Hong Kong University.



Titles of Distinction

'Members of the Law Faculty did unusually well in this year's recognition of distinction awards, securing well over a quarter of the awards made in the Social Sciences Division. This is a real credit to the Faculty, especially given that the Division as a whole has just been ranked first in the world in the THES rankings', Dr Michael Spence, Head of the Social Sciences Division.

PROFESSORSHIPS

Susan Bright

Professor of Land Law - New College

Timothy Endicott

Professor of Legal Philosophy - Balliol

Jeremy Horder

Professor of Criminal Law - Worcester

Julian Roberts

Professor of Criminology - Centre for Criminology/ Worcester

Dan Sarooshi

Professor of Public International Law - The Queen's College

Simon Whittaker

Professor of European Comparative Law - St John's

Federico Varese

Professor of Criminology - Centre for Criminology/Linacre

Adrian Zuckerman

Professor of Civil Procedure - University

READERSHIPS

Mindy Chen-Wishart

Reader in Contract Law - Merton

Anne Davies

Reader in Public Law - Brasenose

Joshua Getzler

Reader in Legal History - St Hugh's

Carolyn Hoyle

Reader in Criminology - Centre for Criminology/ Green

Stefan Talmon

Reader in Public International Law - St Anne's

Teaching Excellence Awards

The University has recently established a Teaching Awards Scheme to 'create a new expression of the parity of esteem accorded to teaching and research at Oxford'. An award under the scheme is a 'symbolic gesture designed to celebrate and reward excellence in teaching, the organisation of teaching and the support of learning'.

This year, three members of the Law Faculty have received awards. In the category for outstanding teaching and commitment to teaching, awards were given to Mr Ben McFarlane and Dr Alison Young. Mr McFarlane, University Lecturer in Property Law and Trusts

and Fellow of Trinity College was recognised for his efforts to improve student learning. Dr Young, CUF lecturer and Fellow of Hertford College, was commended for her personal rationale for teaching and for changes implemented in the Constitutional Law syllabus. She was also given an additional award for achievement in teaching development work.

In the category for learning support staff, Ms Sandy Meredith, the Law Faculty's IT Training and Development Officer, received an award in recognition of her 'outstanding work to support students'.

British Academy Postdoctoral Fellow

Dr Déirdre Dwyer joins the Law Faculty as its first British Academy Postdoctoral Fellow. The fellowship was one of 32 awarded nationally by the British Academy in 2006 to outstanding postdoctoral scholars in the Humanities and Social Sciences. Dr Dwyer will be undertaking research into the principles of civil evidence in English law, and, more widely, in the Western European legal tradition. This research represents a significant and much needed contribution to Evidence scholarship, since most work in England over the last twenty years has focussed on criminal evidence. Its contribution to the comparative and historical study of European civil evidence is of particular importance in light of the harmonisation-of-laws provision of Article 65 of the EC Treaty.

After reading Philosophy at the University of Southampton, Dr Dwyer was called to the Bar at Lincoln's Inn. She commenced her DPhil research at Oxford in Michaelmas Term 2003, and completed her doctorate in September 2005. Her thesis was entitled 'The Judicial Assessment of Expert Evidence'. The award will be held concurrently with a Junior Research Fellowship at Pembroke College.

Professor Sarooshi's book wins two prizes

On 29 March 2006 Professor Dan Sarooshi's book, *International Organisations and Their Exercise of Sovereign Powers* (OUP), was awarded the 2006 Book Prize ('The Certificate of Merit') by the American Society of International Law (ASIL) as a 'pre-eminent contribution to creative scholarship' from among 73 entries world-wide. On 23 April, the book was also awarded the 2006 Myres McDougal prize by the Society of Policy Scientists.

This is the second time Professor Sarooshi has been awarded the ASIL Certificate of Merit: his previous book *The United Nations and the Development of Collective Security* (OUP) was awarded the prize in 2001. To achieve this distinction twice is truly remarkable.

The Certificate of Merit was initiated by the American Society in 1952, and previous recipients include Hans Kelsen, Julius Stone, Manley Hudson, Myres McDougal, Sir Hersch Lauterpacht, Charles Rousseau, Ian Brownlie, and Dame Rosalyn Higgins.



Professor Brownlie Honoured

Faculty member Ian Brownlie QC, of Blackstone Chambers, was presented with the 32nd annual Wolfgang Friedmann Memorial Award on 23 March 2006 for his outstanding contribution to international law. Professor Brownlie was the Chichele Professor of International Law from 1980-99, and was elected Distinguished Fellow of All Souls in 2004.

The Rt Hon the Lord Cooke of Thorndon

It is with great sadness that we note the death of The Rt Hon The Lord Cooke of Thorndon on 30 August 2006. Lord Cooke was a founding patron of the Oxford University Commonwealth Law Journal, and an unfailing supporter of its aims, ambitions and activities.

Lord Cooke, who was hailed as one of New Zealand's finest jurists and arguably its greatest judge, began his legal career with a distinguished period as a barrister, eventually becoming a QC. He was a Judge of the New Zealand Supreme Court (later renamed the High Court) from 1972 until his appointment to the New Zealand Court of Appeal in 1976. He rose to become President of the NZCA ten years later. Under his presidency, the NZCA produced an unparalleled body of high quality, highly significant and, at times, somewhat controversial decisions. From 1977 until his retirement at the age of 75 in May 2001, Lord Cooke sat on the Judicial Committee of the Privy Council in London. He was made a life peer in 1996, and became a member of the Appellate Committee of the House of Lords. He is the only New Zealand judge to have received this distinction. In 2000 he was made a member of the Order of New Zealand, one of New Zealand's highest honours.

Lord Cooke will be remembered for his forthright, intellectually incisive style, his sensitivity to differences among Pacific jurisdictions, and his purposive, constructive jurisprudential approach—one which attracted both bouquets and brickbats. These characteristics were especially evident in cases involving thorny socio-political issues, such as litigation addressing Maori rights under New Zealand's Treaty of Waitangi and the New Zealand Bill of Rights Act 1990. As Lord Steyn observed when Lord Cooke delivered his final opinion in *Delaware Mansions Ltd v Westminster City Council* [2002] 1 AC 321; [2001] UKHL 55 (at [1]), Lord Cooke made a 'massive contribution to the coherent and rational development of the law in New Zealand, in England and throughout the common law world'.

Lord Cooke was a great champion of, and mentor to, young legal scholars and lawyers. This was epitomised by his willingness to join the OUCJ's Board of Patrons at a time when the journal was still being set up, and when there was no tradition of student-edited, peer reviewed journals in the UK. His ongoing support and encouragement were much appreciated.

Sue Gibbons
OUCJ Founding General Editor



Robin Brunskill Cooke,
Baron Cooke of
Thorndon, MA, PhD
(Hon), DCL, ONZ,
KBE, PC, QC

(9 May 1926 – 30
August 2006)

Seventh Oxford-Norton Rose Colloquium

The seventh Oxford-Norton Rose Colloquium was held in St Hugh's College on 22 and 23 September 2006. As with past colloquia, this brought together practitioners (solicitors, barristers and judges) and academics to examine and discuss an area of commercial law. The belief underpinning all the colloquia has been that a sharing of views on central topics of commercial law can only work to the mutual advantage of both groups. The topic chosen this year was Contract Terms.

Twelve papers were written by academics, distributed in advance, and briefly presented (for no more than fifteen minutes). The bulk of each session was then devoted to discussion of the issues raised by the papers. The discussions on this occasion proved especially lively and enriching. Feedback confirmed the impression that not only did those attending learn a great deal but also had great fun in doing so. Matters were kept in control by the eminent chairs of

the sessions, namely Lord Bingham of Cornhill, Lord Justice Moore-Bick and the Honourable Mr Justice Gross.

The guest speaker at the colloquium dinner on the Friday evening was Lord Bingham, who gave a 'behind the scenes' look at the work of the House of Lords. This included many fascinating insights, including the order in which the Law Lords give their views once counsel have left, and the administrative obstacles encountered in seeking to present a joint opinion of the court.

This year, with a break from tradition, each of the Law Faculty's major benefactors were offered two places at the colloquium. In addition to the twelve solicitors from Norton Rose, we were therefore delighted to have with us representatives from Allen & Overy, Herbert Smith LLP, Baker & McKenzie LLP,

Lovells, McGrigors and Blake Lapthorn Linnell. Other guests included academics from outside Oxford and barristers from Fountain Court Chambers.

The speakers were Susan Bright, Andrew Burrows, John Cartwright, Louise Gullifer, Ewan McKendrick, Edwin Peel, Robert Stevens, Stefan Vogenauer and Simon Whittaker (all from the Oxford Law Faculty), Hugh Beale (Law Commission), Elizabeth MacDonald (University of Wales, Swansea) and Gerard McMeel (University of Bristol).

The papers were divided into three main areas: Construction and Interpretation; Legislative Control of Unfair Terms; and Issues Relating to Particular Types of Term. They will be published as a book by Oxford University Press in Spring 2007.

The Law Faculty would again like to thank Norton Rose for supporting this event.

Andrew Burrows
Norton Rose Professor
of Commercial Law



Pictured are (L-R)
Andrew Burrows,
The Honourable Mr
Justice Gross, Gerard
McMeel, Edwin Peel

Oxford Colloquium on Security and Human Rights

In the wake of the events of 11 September 2001, the task of balancing issues of security with a respect for fundamental human rights has emerged as one of the key challenges facing governments throughout the world. Although the issues raised by the rise of security have been the subject of considerable academic interest, to date much of the debate surrounding the impact of security on human rights has taken place within particular disciplinary confines.

In an effort to encourage more interdisciplinary thinking about the relationship between security and human rights, the Oxford Colloquium on Security and Human Rights took place at St Anne's College, on 16 and 17 March 2006, bringing together academics and practitioners from the related fields of criminal justice, public law, international law, and international relations.

The colloquium was organised by Dr Liora Lazarus of St Anne's College and Dr Ben Goold of Somerville College. Their book, entitled *Security and Human Rights*, will be published in 2007. The colloquium received British Academy Funding, and received positive feedback for the active discussion and exchange of ideas and for its more integrated approach to thinking about the tension between security and rights.

Exchange trip to the University of Texas

In April 2006, six members of the Law Faculty visited the University of Texas Law School as part of an Oxford-Texas exchange programme. The visit focused on a day's symposium with papers given by Oxford Faculty members on a range of topics, including comparative studies of the death penalty and experiences of the aftermath of homicide; undue influence and relations of influence in contract law; recent aspects of constitutional change in the UK through the 'two Europes'; the constitutional

status and impact of the Human Rights Act (1998); the legal research skills programme at the Oxford Law Faculty; and employee participation in corporate governance. Replies were delivered by various Professors of the Texas Law Faculty.

Members of the Texas Law School will be visiting Oxford in Trinity Term 2007, as part of a relationship that we hope to develop further. The photograph shows the Oxford members of the exchange group in the beautiful Tarlton Law Library:



Pictured are (L-R) Catherine Appleton, Mindy Chen-Wishart, Katja Ziegler, Nick Bamforth, Sandy Meredith and Wanjiru Njoya.

NEW STARTERS

Dr Mary Bosworth took up the post of University Lecturer with a non-tutorial fellowship in Criminology in association with St Cross College on 1 October 2006. Dr Bosworth was previously the Katzenbach Fellow at the Centre for Socio-Legal Studies. Dr Bosworth conducts research on the sociology of punishment, with a particular focus on imprisonment. She is interested in the ways in which prisons and detention centres uphold notions of race, gender and citizenship and how those who are confined negotiate their daily lives. Her research is international and comparative and has included work conducted in Paris, Britain, the USA and Australia.



Dr Mary Bosworth

Ms Cinnamon Carlarne has been appointed to the Harold Woods Junior Research Fellowship in Environmental Law held at Wadham; she is also a Research Fellow at the Centre for Socio-Legal Studies. Ms Carlarne was previously an Assistant Professor of Environmental Studies at the University of Cincinnati. Her research focuses on the socio-legal factors influencing climate-related policies and on formulating principles to inform future international global change negotiations, specifically European climate change policy.



Ms Michelle Madden Dempsey

Ms Michelle Madden Dempsey has been appointed to the fixed term University Lecturership (CUF) in law in association with a tutorial fellowship at Worcester and a lecturership at Brasenose. She will hold her post until 31 December 2009. Ms Madden Dempsey's research is concentrated in criminal law, legal theory, criminal procedure and moral philosophy and she is currently completing her doctorate, *'Domestic Violence and the Uncooperative Victim: Rethinking the purpose of Criminal Prosecution'*.

Mr John Vella has been appointed to the newly established Career Development Fellowship in Company Law in association with Harris Manchester College. Mr Vella joins the Faculty from Cambridge where he has recently submitted his doctoral thesis, entitled 'Avoidance, Characterisation and Interpretation in Tax, Corporate and Financial Law'.



Mr John Vella

In Michaelmas 2006, the Faculty welcomed the first participant on the newly established Oxford/Melbourne Exchange Scheme. This was a return visit to Oxford for Professor Bryan as he was both educated here and taught here (at Oriel). Professor Bryan is a Professor of Law at the University of Melbourne. He has researched and published extensively in the areas of equity, trusts and restitution. He is co-author (with A. Duggan and F. Hanks) of *The Law of Non-Disclosure* (Longmans 1995) and an editor of Ford and Lee, *The Law of Trusts* (Thomson 2003). During his stay, Professor Bryan was a visiting fellow at Keble.

STAFF DEPARTURES

Dr Karen Yeung, Linnells CUF lecturer and fellow of St Anne's College, was appointed to a post as Professor of Law at King's College London, with effect from September 2006.

Dr Paula Giliker, CUF lecturer and fellow of St Hilda's College, took up a readership in Comparative Law at the University of Bristol in September 2006.

Dr Nico Krisch has moved from a Junior Research Fellowship at Merton to a post as Lecturer in Law at LSE.



BIRTHS

Dr Mary Bosworth and Dr Anthony Gerbino welcomed **Sophia Anna** Bosworth-Gerbino to the family on 28 March 2006.

Professor Ian Loader and his partner, Penny, welcomed their 7lb 1 oz baby girl, **Iris** (left), born to the family on 20 February 2006.

Professor Dan Sarooshi and his wife, Mary, celebrated the birth of their first child, **Elliot Peter**, on 27 November 2005.

Company Charges: Spectrum and Beyond

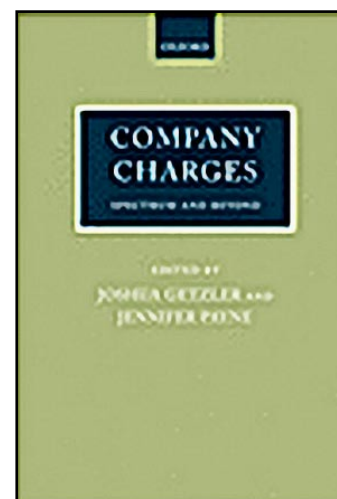
Edited by Joshua Getzler and Jennifer Payne
(OUP 2006)

This volume draws together the views of some of the most eminent figures in corporate law and finance regarding the law on fixed and floating charges. The focus for the book is the litigation in the case of *Spectrum Plus*, which culminated in a House of Lords judgment in June 2005 ([2005] UKHL 41). This decision has important commercial implications, not only for the parties in the case but also for the business community at large, including banks and other lenders and practitioners in corporate finance and insolvency. The litigation also raises important juristic questions regarding the fixed/floating charge divide such as the theoretical basis for that divide, how the divide is determined, why it exists at all, and whether it ought to be maintained as a coherent doctrine and a beneficial policy. The decision has important ramifications in both security law and insolvency law and it provides a challenge to some of our most basic conceptions of freedom of contract and the assignability of rights and assets in law and equity. These issues, amongst others, are explored by the contributors to this book.

The book records the lively views exchanged at a symposium that took place in Oxford on 22 September 2005. Some 35 experts - lawyers, economists, practitioners, and academics - gathered at St Hugh's College in Oxford that day to discuss the House of Lords' decision in *Spectrum Plus*, which had been the subject of feverish commentary in the financial and legal press. The aim of the conference was to explore the issues as deeply as possible yet still within time to influence the debate provoked by the *Spectrum* litigation. To forward that goal the symposium was generously supported by the Government Insolvency Service, and there was also participation from the Law Commission which was about to publish its latest contribution to the reform debate over company charges.

The issue at the heart of *Spectrum* was whether the charge given over book debts to the bank in that case was a fixed charge attaching to defined assets and immunized from competing claims, or whether it was a floating charge over the shifting assets of a business and hence prone to redistribution and postponement to rival claims. The House of Lords decided, overruling the Court of Appeal [[2004] EWCA Civ 670, [2004] Ch 337], that the charge should properly be characterised as floating. However, this seemingly simple decision creates a host of further issues for academics and practitioners. Many other transactions employing essentially the same terms as the contract in *Spectrum* awaited the outcome of the House of Lords' decision, but the *Spectrum* decision will not only have a retrospective effect: it will also affect how secured lenders (in particular banks) will lend money in the future.

The issue of fixed versus floating charges continues to be a vexing (and expensive) issue. As Roy Goode points out in his contribution to the book, in the past five years alone there have been 15 High Court decisions on floating charges, of which six went to the Court of Appeal and three to the House of Lords - 24 decisions and 48 judgments in all, which together must have involved millions of pounds in legal costs. The impact of the Enterprise Act 2002 on both secured and unsecured lending combines with the new test for characterisation of collateral in *Spectrum* to change the terrain for administration of distressed companies. The *Spectrum* litigation thus connects to wider legal issues encompassing priority and control in insolvency law, and the proper divide between freedom of contract and mandatory regulation in the law of security. These issues are all reflected in the essays gathered in this collection.

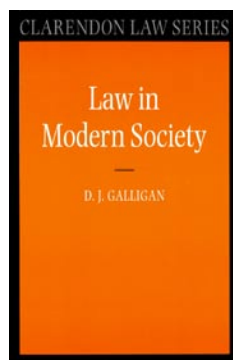


CONTRIBUTORS

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Michael Bridge, University College London; Julian Franks, London Business School; Nicolas Frome, Clifford Chance LLP; Joshua Getzler, Oxford; Kate Gibbons, Clifford Chance LLP; Sir Roy Goode, QC, Oxford; Louise Gullifer, Oxford; Look Chan Ho, Freshfields Bruckhaus Deringer; The Right Hon Lord Millett, House of Lords; Gabriel Moss, QC, 3/4 South Square; Jennifer Payne, Oxford; Robert Stevens, Oxford; Oren Sussman, Oxford; Philip R Wood, Allen & Overy LLP and Oxford; Sarah Worthington, London School of Economics.

Law in Modern Society

Denis Galligan (OUP 2006)



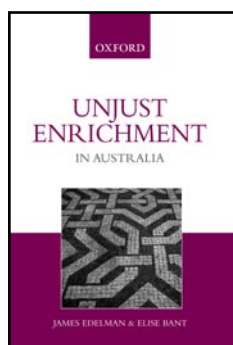
Providing an introduction to law in modern society, Professor Galligan considers how legal theory, and particularly HLA Hart's *The Concept of Law*, has developed the idea of law as a highly developed social system, which has a distinctive character and structure, and which shapes and influences people's behaviour.

The concept of law as a distinct social phenomenon is examined through reference to, and analysis of, the work of prominent legal and social theorists, in particular M Weber, E Durkheim, and N Luhmann. Professor Galligan's approach is guided by two main ideas: that the law is a social formation with its own character and features, and that at the same time it interacts with, and is affected by, other aspects of society. In analysing these two ideas, Professor Galligan develops a general framework for law and society within which he considers various aspects including: the nature of social rules and the concept of law as a system of rules; whether law has particular social functions and how legal orders run in parallel; the place of coercion; the characteristic form of modern law and the social conditions that support it; implementation and compliance; and what happens when laws are used to change society.

Law in Modern Society encourages legal scholars to consider the law as an expression of social relations, examining the connections and tensions between the positive law of modern society and the spontaneous relations they often try to direct or change. This addition to the Clarendon Law Series offers a comprehensive account of, and contribution to, the study of law in modern society.

Unjust Enrichment in Australia

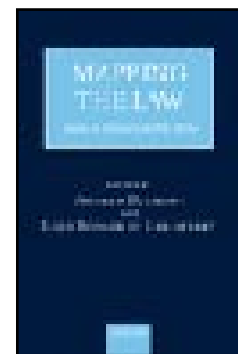
James Edelman and Elise Bant (OUP 2006)



Despite the title, *Unjust Enrichment in Australia* is a book concerned with explaining the detail of the English and Canadian law of unjust enrichment as well as that in Australia. Of these three jurisdictions it is only in Australia that a defence of the status quo - recognizing unjust enrichment as a category of law existing alongside contract and tort - remains contentious. With considerable emphasis on history and precedent, *Unjust Enrichment in Australia* powerfully explains the need for unjust enrichment and, drawing in depth from the cases, demonstrates the operation of the principles of unjust enrichment in simple and clear terms. Despite the vast proliferation of unjust enrichment scholarship in the last decade, *Unjust Enrichment in Australia* draws from the growing corpus of case law to present many new insights about this category of the law for the newcomer and the knowledgeable. Justice Mason's foreword to the book calls it 'a significant contribution which illustrates the didactic utility of the concept and the extent to which unjust enrichment has received widespread judicial acceptance in Australia.'

Mapping the Law: Essays in Memory of Peter Birks

Edited by Andrew Burrows and Lord Rodger of Earlsferry (OUP 2006)



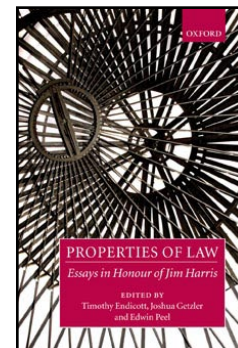
This collection of essays celebrates the life and work of Peter Birks, who was Regius Professor of Civil Law at the University of Oxford, and Fellow of All Souls College. Widely known as one of the most prolific legal scholars for over twenty years, his contribution to English obligations law is legendary. He was Founder of the Clarendon Law Series, editor of the Oxford English Law Series, and author of several works on the English law of restitution, comparative restitution, and unjust enrichment.

The works in this volume cover the English law of unjust enrichment and restitution, comparative perspectives on unjust enrichment and restitution, Roman law, and legal history, reflecting the range of Professor Birks' work and influence.

As one of the most distinguished academic lawyers of his generation Professor Birks' contribution to legal scholarship grew to be recognised as one of the most outstanding by a British jurist in the second half of the twentieth century. This collection attempts to acknowledge and pay tribute to this work.

Properties of Law, Essays in Honour of Jim Harris

Edited by Timothy Endicott, Joshua Getzler and Edwin Peel (OUP 2006)



The late Professor Jim Harris' theory of the science of law, and his theoretical work on human rights and property, have been a challenge and stimulus to legal scholars for the past twenty-five years. This collection of essays, originally conceived as a festschrift and now offered to the memory of a greatly admired scholar, assesses Professor Harris' contribution across many fields of law and legal philosophy. The chapters are written by some of the foremost specialists writing today, being friends, colleagues, students and admirers of Professor Harris, and reflect the wide range of Professor Harris's work, and the depth of his influence on legal studies. They include contributions on topics as diverse as the nature of law and legal reasoning, rival theories of property rights and their impact on practical questions before the courts; the nature of precedent in legal argument; and the evolving concept of human rights and its place in legal discourse.

Contributors: Honourable Justice Edwin Cameron; Stanley Paulson; Julie Dickson; Brian Bix; Jes Bjarup; Jeremy Horder; Richard Epstein; Tony Honoré; David Lametti; James Penner; Stephen Munzer; Edwin Peel; Joshua Getzler; Isabelle Rorive; Lionel Smith; Hugh Corder; John Eekelaar; Timothy Endicott; Bernard Rudden.

Alumni Events

Over 15,000 Oxford Law Alumni will be receiving this issue of the Oxford Law News. This newsletter is but one way we work to keep in touch with not only those who read law at Oxford but also those who have subsequently worked within the legal profession. Another way, which has grown in recent years, is our Alumni events, including regional receptions and Oxford Law Alumni Lectures often hosted by benefactors of the Law Faculty.

The past year has been the most active yet for meeting up with our Alumni internationally. We have held receptions in Sydney, New York, Washington DC and London as well as holding exciting conferences and seminars here in Oxford. Each gathering has offered an opportunity to share developments in the Law Faculty in a more personal environment and we certainly hope to do more of this in the future. Information about some of the events over the past year follows.

North American Reunion Reception at Shearman and Sterling

The North American Reunion 2006 has been hailed as one of the most successful on record, bringing news and debate from the quads of Oxford to the Manhattan skyline. With thanks to Shearman & Sterling LLP, the Oxford Law Faculty was able to hold a drinks reception on 31 March 2006 in New York for Oxford Law Alumni attending the North American Reunion. Professor Ewan McKendrick, Chair of the Law Board, discussed current developments in the Law Faculty and expressed the hope that more Law Alumni events are hosted in New York in the near future.

Davis Polk Wardwell Discussion Group

As part of an ongoing gathering of selected Oxford Law Alumni based in New York City, Nick Segal and Genevieve Muinzer hosted a lunchtime discussion at Davis Polk Wardwell on 3 April 2006. Professor Ewan McKendrick and Nick Segal opened the discussion with an overview of some of the differences between English and US commercial law. There was active discussion which opened up to a hearty exchange about international law, and moved on to the types of Oxford Law lectures, seminars or events that should take place in the future in the States. Oxford Law Alumni from six other firms were present to share their experiences and views and to suggest possibilities for further international interaction.

Jenner and Block Reception in DC

For the first time, the Oxford Law Faculty held a reception with Washington DC Law Alumni on 4 April 2006 at the law offices of Jenner and Block. The reception offered law alumni an opportunity to discuss openly the current events and considerations within the Law Faculty as well as to ask Professor Ewan McKendrick about future developments at the Faculty.



Lord Mance

Commercial Bar Reception

A reception was held at the Oxford and Cambridge Club on 6 March 2006 for Oxford alumni who are silks or senior juniors at the Commercial Bar. The purpose of the reception was to seek funds to renew the Commercial Bar Graduate Law Scholarships at Oxford. The welcoming speech was given by Professor Andrew Burrows. He was followed by Sarah McCosker who spoke from her perspective as a DPhil student and as a recipient of a Commercial Bar Scholarship. The main speech of the evening was given by Lord Mance, to whom we are very grateful.

The text for this speech can be found on the website,
<http://denning.law.ox.ac.uk/news/newsdetail.phtml?ID=65>

We would like to thank all those who have so far contributed to the fund; and to give special thanks to Michael Brindle QC of Fountain Court Chambers for his help in organising this event.

Inaugural Oxford Law Australian Alumni event

On a rainy evening in February 2006, Oxford graduates and their guests gathered for an evening of drinks and speeches at New South Wales Parliament House on Macquarie Street in Sydney, Australia. State representative Andrew Tink MP kindly hosted this event, which was the first co-sponsored by the Oxford Law Alumni and the Oxford University Society.

Over 100 graduates attended the drinks event in the Strangers' Dining Room, which spectacularly overlooks one of Sydney's parks. During the formal part of the evening, graduates listened to brief speeches by present and past Oxford staff and graduates.

Lady Nancy Kenny, the Secretary of the Oxford University Society, generously welcomed all present. Dr Michael Spence, Head of the Social Sciences Division, gave a brief update on Law at Oxford, and introduced our guest speaker for the evening, Justice Dyson Heydon of the High Court of Australia. Justice Heydon, who read Law at University College and was a Lecturer and Fellow at Keble, gave an entertaining speech about his experiences at Oxford during 1964-73 (an excerpt of which follows).

Special guests of the University included Justice Kim Santow of the Supreme Court of New South Wales, and also Chancellor of the University of Sydney; Professor Michael Crommelin, Dean of the Law School, University of Melbourne; Professor Ron McCallum, Dean of the Faculty of Law, University of Sydney; and Professor Leon Trakman, Dean of the Law School, University of New South Wales. The event was jointly sponsored and organised

by the Law Faculty and the Oxford University Society, with special assistance by alumnae Sarah Strasser (Univ 1991 Law) and Delia Rothnie-Jones (St Hugh's 1973 PPE), Secretary of the Oxford University Society NSW Branch. The evening was a great success and those present expressed their enthusiasm for the event, which they hoped would be repeated in future.

An excerpt from Justice Dyson Heydon's speech:

'I cannot conclude without recording my memories of the general excellence of the instruction within the law school. In College there were Lennie Hoffmann and Tony Guest – brilliant, lucid minds. The future Lord Hoffmann was in the process of going to the Bar, and was not about much until the weekend. When the time of tutorials was discussed with him, he showed himself to be a man of compromise. "When do you want to come?" he would say. I would say: "Noon on Friday." He would say: "8pm on Friday." Then we would compromise. We would meet at 8pm on Friday. ...

'What changes have occurred since those Elysian days? I will mention only two.

'Then there were many men's colleges and hardly any women's colleges. As a result there were not many women. Now virtually all colleges are

mixed, and happily one cannot say now, as one might have said then, that the beauties of Oxford are largely architectural.

'Then the United Kingdom was, if not the most powerful country in the world, at least as independent and sovereign a country as the world could ever have shown. Now it is not. It is part of the European Union. In some ways it is less independent than the State of Tasmania – or even the former colony of Tasmania. What significance that has for Oxford I do not know.'

Further details about the Australian event can be found at www.alumni.ox.ac.uk/Australia/ousnsw_events.htm



Pictured are (L-R) Lady Nancy Kenny, Chief Justice Dyson Heydon and Dr Michael Spence (Photograph: Ben Kramer)

Oxford Law Alumni Lectures

The third and fourth of the series of Oxford Law Alumni Lectures were held on 8 November 2005 at Baker & McKenzie and on 23 March 2006 at Slaughter and May.

The speakers at the first of these were Mr John Cartwright, Reader in the Law of Contract and Fellow at Christ Church, whose lecture was entitled 'Precontractual Liability and Letters of Intent'; and Professor Ewan McKendrick, Professor of English Private Law and Fellow at Lady Margaret Hall who spoke on, 'The Interpretation of Commercial Contracts after Lord Hoffmann's Restatement in Investors Compensation Scheme'.

The two speakers at the second event, which was on public law, were Professor Paul Craig, Professor of English Law and Fellow of St John's College, who spoke on 'Developments in Judicial Review'; and Mr Nicholas Bamforth, CUF Lecturer in Law and Fellow of The Queen's College, whose title was 'Developments in Human Rights Law'.

These events were open to all Oxford alumni and all profits were for the work of the Oxford

University Law Faculty. We would like to thank Baker & McKenzie LLP and Slaughter and May for hosting these events, each of which included a drinks reception.

Information on the Oxford Law Alumni Lectures for 2007 will be available on the website shortly. (see back page for details)

Andrew Burrows



Pictured are (L-R) Nicholas Bamforth, Paul Craig

FORTHCOMING EVENTS

For forthcoming events linked to Oxford Law please look at our website:

<http://denning.law.ox.ac.uk/news/events.php>

The Sixth Youard Lecture in Legal History

22 January 2007 at 5pm

Gulbenkian Lecture Theatre, St. Cross Building, Oxford

The Hon Justice J Dyson Heydon AC will give these lectures on

"The Use of History in Legal and Constitutional Interpretation"

Oxford Law Alumni Reception in Beijing

January 2007

Professor Timothy Endicott presiding

Oxford Law Alumni Events at Herbert Smith LLP

in Hilary Term

Topics related to Public International Law

Professor Vaughan Lowe and Professor Dan Sarooshi

Oxford Law Alumni Events at Clifford Chance LLP

in Trinity Term

Topics related to European and Comparative Law

Professor Stefan Vogenauer and Professor Simon Whittaker

Oxford Law Alumni Reception in Sydney

August 2007

Hosted by Baker & McKenzie Sydney, NSW; date TBA but shortly prior to the International Restitution in Commercial Law Conference

3-5 August 2007.

Oxford University Reunion

14-16 September, 2007

(with a Law Reception on the afternoon of 14 September).

The Law Faculty would like to take this opportunity to thank all its major benefactors:

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“A man of action forced into a state of thought is unhappy until he can get out of it.”

John Galsworthy 1867-1933,
the only Oxford law alumnus we
know of - so far - to have won a
Nobel Prize - Literature 1932

“Idealism increases in direct proportion to one's distance from the problem.”
John Galsworthy

Oxford Law alumni who would like to be invited to future events or would like to make a donation or further donation or who have any suggestions for other events should contact the Law Faculty's Director of Development, Ms Maureen O'Neill [Maureen.oneill@law.ox.ac.uk]

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