THE CAMBRIDGE SOCIO-LEGAL GROUP


The book is the product of a series of seminars which the Group held in 2002 at the Centre for Family Research in Cambridge. It takes a radical new look at children’s family relationships focusing on the problems they may encounter in difficult family circumstances, for example, after divorce. In addition to the chapters by the four editors, the book contains an account of new research by Judy Dunn which demonstrates that continuing contact with both parents (and the wider family) benefits children. Julie Jessop and Bob Simpson explore the realities of being a visiting father while Shelley Day Slater and Felicity Kaganas look at mothers’ perspectives. Ann Buchanan and Joan Hunt analyse children’s and parents’ experiences of the court welfare process, while Belinda Brooks-Gordon examines the situation of parents in prison. Bridget Lindley and Jo Miles consider the barriers to contact between parents and children in care. Other chapters by Jonathan Herring and John Eekelaar respectively, ask how far the courts can in fact resolve family disputes and examine the issue of contact in the context of the new adoption legislation in England. The Group was delighted when Bob Geldof agreed to
participate in the Cambridge seminars and to write a chapter in the book. He describes the painful impact which the legal system can have on people’s lives. Drawing on his personal experiences and the many letters he has received from other parents about their experiences of being apart from their children, he delivers a stinging indictment of the current legal process and outlines radical changes he believes are needed in the legal regulation of family relationships.

The launch of the book, generously supported by the Nuffield Foundation, was attended by Cherie Booth Q.C. and by Lord Justice Ward. It was chaired by Richard White, a leading solicitor practising in family law and the author of a number of works on the law affecting children. The speakers were Andrew Bainham, Martin Richards, Liz Trinder and Bob Geldof.

Earlier in the year the Group held its first residential seminar, which took place at Pembroke College in April, on the subject of Sexuality. As has been the practice with all the Group’s projects, the seminars brought together those working in a wide range of disciplines within the social sciences, natural sciences and law. A book of the proceedings entitled Sexual Positions: Diversity and the Law is currently being edited by Belinda Brooks-Gordon, Lorraine Gelsthorpe, Martin Johnson and Andrew Bainham. It will be published by Hart in 2004.

Looking to the future, the Group plans to undertake other projects on the subject of Death and on the subject of The Role of the Extended Family in Children’s Lives. Anyone interested in the Group’s activities is warmly invited to contact either Dr Andrew Bainham of Christ’s College and the Faculty of Law or Professor Martin Richards at the Centre for Family Research.

Andrew Bainham
Cambridge Socio-Legal Group

A GREAT START TO THE HERBERT SMITH VISITOR SCHEME

This past academic year has seen three visitors to the Law Faculty under the Herbert Smith Visitor Scheme. Generously funded by the city law firm, the scheme has enabled the Faculty to welcome visitors from around the world, each of who have given a lecture or seminar as part of their visit. The Faculty at all levels has benefited from these fresh views and the lively discourse in a number of legal areas. The first visitor, in October, was Professor Alan Schwartz of Yale Law School who presented two seminars, one on ‘Contract Theory and the Limits of Contract Law’ and one on creditors’ rights in insolvency. Professor Schwartz’s work is at the intersection of law and economics. Both seminars were well attended not just by Law Faculty members but also by those from the Judge Institute of Management Studies and by some in the Economics Faculty. Professor Peter Cane of the Australian National University also visited the Faculty in the Michaelmas Term and presented a seminar on the scope of judicial review. Professor Cane works on both administrative law and the law of obligations. Professor Horatia Muir Watt of the Université de Paris I, Panthéon-Sorbonne, came to the Faculty in May. She spoke on anti-suit injunctions and the Brussels I regulation from a civil law standpoint to a lively student group. In particular, Professor Muir Watt informed common lawyers of the recent development in the Paris courts towards a procedure similar to a restraining order. She will be publishing a casenote in the Cambridge Law Journal on this development.

Next year sees visits from Professor Christine Van den Wyngaert, Professor of Criminal Law from the University of Antwerp. She has published widely on International Criminal Law, extradition and human rights. Professor Jim Evans, Professor of Jurisprudence and Equity at the University of Auckland, is scheduled to visit the Faculty for the Michaelmas Term 2003. Professor Evans specialises in the use of philosophy and linguistics as an approach to issues in statutory interpretation. In November, Professor Steven Bank from UCLA will come and speak about tax law. Professor Bank is currently researching the effect of tax on mergers and acquisitions and is consequently working with both the Centre for Tax Law and the Centre for Corporate and Commercial Law. Professor Aldo Sandulli, Professor of Law at the Università degli Studi di Urbino is visiting for the Lent Term 2004. One of Italy’s leading legal scholars, Professor Sandulli specializes in jurisprudence and public law.

The Faculty gratefully acknowledges the help it has received from Herbert Smith for this scheme. Anyone who would like to be considered as a Herbert Smith Visitor is welcome to contact Dr. Rogerson for further information (pjr1000@cam.ac.uk).

Pippa Rogerson
Herbert Smith Visitor Scheme Co-ordinator
Overview. It has been a tumultuous year; a year of arrivals and departures; of promise and achievement for many members of the Faculty. And it has happened amidst the continuing demands of external auditing exercises and (despite the fact that we continue to top league tables and maintain the highest audited standards) the threat of real cuts in funding and staffing. But first…

Mr Justice Beatson. Jack Beatson QC, FBA was Rouse Ball Professor of English Law from 1993 (in succession to Sir David Williams) and, for the last 2 years, Chair of the Faculty Board. He was appointed to the High Court in March 2003. He is the first full-time academic to be appointed straight to the Bench in the United Kingdom. (William Blackstone spent some years as a barrister and MP between leaving Oxford and going to the bench.) Of course we regret Jack’s departure; he had been a tower of strength both intellectually and administratively— but we were all delighted that it was a Cambridge professor who was the first!

Arrivals and retirements, departures and continuations. Two long-serving members of the Faculty retired in September, Tony Weir and Peter Glazebrook. They will be fondly remembered for their teaching, their scholarship – but, above all, for their very individual characters. Presentations were made on behalf of the Faculty to both of them – to Peter, a selection of books on his hobby of church architecture; to Tony a leather-bound volume, Old Crossum’s Book of Placable Cats, containing many original items of poetry, music and prose in 5 languages celebrating Tony’s love for cats and comparative law.

I must say that retirement at Cambridge is a relative term. The Faculty has a considerable number of research-active Emeritus Professors: in the latest Research Assessment Exercise, we submitted the oldest such person of any UK university in any discipline (Kurt Lipstein). We recently celebrated the 90th birthday of Sir Robert Jennings, himself still active in writing and other legal work.

A number of other Cambridge Faculty Members have been enticed away by other institutions— Michael Dougan to a Chair at Liverpool; Amandine Garde to practice with Simmons & Simmons; Ivan Hare to the Bar, Steve Hedley to a Chair at Cork; Richard Hooley to the Chair of Banking Law at Kings College London; and Louise Tee.

On the other hand we have made a series of excellent appointments at University and College level. The new Rouse Ball Professor, who will take up his post on 1 April 2004, is David Feldman (a Professor at Birmingham and currently Secretary to the House of Lords Standing Committee on Human Rights). When Bill Cornish retires as Herchel Smith Professor of Intellectual Property next September, he will be replaced by Lionel Bently, a Cambridge graduate who is presently Professor of Intellectual Property at Kings College, London. Intellectual property at Cambridge has been further strengthened by an additional substantial benefaction from the will of Dr Herchel Smith.

In addition, several new University appointments have been made. These include Guglielmo Verdirame (to a lectureship in international law; Guglielmo was previously at Oxford, now at Corpus and the Lauterpacht Research Centre; he is the first Italian to have a tenured post in international law at Oxbridge since Alberico Gentili in the 16th century), Angus Johnston (Trinity Hall, formerly a College Teaching Officer) and Ben Parker (to a lectureship in commercial law; Ben is at St John’s, and was also formerly a College Teaching Officer).

We have been delighted to welcome a whole raft of College appointments, the details of which are given on page 13.

Honours and distinctions are listed on p14. We were all particularly delighted at the knighthoods conferred on John Baker and Jack Beatson.

The Squire Centenary and the Squire Appeal. 2004 marks the centenary of the Squire Law Library, and we have launched an appeal to support the Library and to protect it from the effects of a year-on-year decline in

James Crawford with the Faculty Board of Law, May 2003.

Albertina Albors Llorens – receives her Pilkington Teaching Prize from the then Vice-Chancellor Sir Alec Broers.
funding. We are looking to create an endowment fund of £2 million, of which the first £200,000 has now been raised from sources within Cambridge, including a number of the Colleges. We are holding a series of events to celebrate the centenary and support the appeal.

A feature event is the Squire Centenary Lecture, a public lecture to be given by the Lord Chief Justice, Lord Woolf. He will be speaking on “The Constitutional Position of the Judiciary”. The lecture is to be at 6 pm on Wednesday 3 March 2004 in the Faculty of Law and will be followed by a reception. All are welcome.

Maintaining standards... If all the above sounds a bit like the school headmaster at Speech Day, I hope the resemblance is coincidental. But chairing a Faculty such as the Law Faculty at Cambridge has made me realise, more clearly than before, just how diverse and vibrant the Faculty is, but also how difficult it is to keep people in touch with each other and with all that is going on. Good law schools should be allowed to get on with what they are good at – teaching undergraduates and graduates, researching and writing, influencing each of the subdisciplines of law in a whole range of ways. And yet so many of the external demands involve a sort of semi-intellectual equivalent of treading water.

By contrast, we remain immensely grateful to the many alumni, law firms and others who are helping us to maintain and strengthen our core activities of teaching and research at the highest international standards.

James Crawford SC FBA
Chair, Faculty of Law

WIDENING ACCESS IN THE LAW FACULTY

At a time when there is growing media attention on access to Oxbridge, the Law Faculty has continued to develop and expand its own access initiatives to encourage all students, regardless of their school background, to consider applying to Cambridge to study Law. The long-running and highly successful Sixth Form Law Conference took place in March. Over 200 sixth form students from around the country came to Cambridge to attend lectures and participate in various activities to show them what it is like to study Law at Cambridge. In the course of the year members of the Faculty have attended a number of large admissions conferences around the country to meet prospective students. These conferences are usually held in large sporting arenas, including the football grounds of Newcastle United, Leicester City and Manchester United and have typically involved lectures by representatives of Cambridge and Oxford. In July over 300 students attended an open day in the Law Faculty itself. This provided an opportunity for prospective applicants to see the facilities in the Faculty, to meet lecturers and attend some lectures. The Faculty has also developed its own CD-ROM, the size of a credit card, containing a wide variety of literature relating to the study of Law at Cambridge. The newly revamped web-site also contains a dedicated admissions section.

One of the most significant initiatives with which the Law Faculty is involved is the Sutton Trust summer school. Now in its fourth year this provides an opportunity for 20 sixth form students from schools and families which have little or no experience of higher education to come to Cambridge for a week. They participate in an intensive course of lectures and study culminating in a highly dramatic and, at times, realistic mock trial in the Beckwith Moot Court room. Each year the sixth formers are supported by four existing undergraduates and, for the first time in 2003, three of these had attended previous Sutton Trust summer schools. The aim of this summer school is to raise aspirations to participate in higher education generally, but experience shows that it encourages students to consider seriously applying to Cambridge. Indeed, this year all 20 students stated that they intended to apply to Cambridge for Law.

The admissions policy of Cambridge Colleges remains clear. The decision to admit will be made on merit regardless of background, but there remains a need to encourage more applications from the State sector. The Faculty’s own initiatives are clearly helping to encourage such applications.

Graham Virgo
Faculty Access Officer
THE LAUNCH OF THE NEW FACULTY WEBSITE

The long vacation of 2003 saw the launch of an entirely redesigned Faculty of Law website. The original site dated back to the early days of the Internet, and its structure had grown in an organic way in response to demand. While the old site was widely recognised as providing an excellent collection of resources both internally and externally, the Faculty Board agreed that a redesign would provide some much needed new direction. Finances to commission the site design were provided as part of the generous funding of the Legal Research Skills Course by Freshfields Bruckhaus Derringer in the interests of developing the use of IT by the Faculty.

A detailed design and technical specification for the site was drafted and this specification was tendered to a number of local web design firms. After nearly eighteen months of development and programming, the final product (on line at http://www.law.cam.ac.uk/) very closely resembles the inspiration and functionality of the original design.

The new site provides a clean and elegant design, utilising a subtle colour scheme and a vastly reduced number of links on the front page. However, the redesign extends far beyond the aesthetic improvements and incorporates a powerful and complex database structure. This allows for information such as news and course information to be easily and regularly updated by Faculty administrative staff to keep the content much fresher and more accurate.

Higher access to the site is granted to staff and students of the Faculty. However, the new system overcomes the fundamental limitations of the local server on the old site which restricted access to the most useful documents to users on the Cambridge network. Now users can access any documents or information allowed to their access level by logging on from any computer, worldwide, with Internet access. In addition to the general content of the site, the database functionality gives each member of staff the option of maintaining their own personal information, and uploading documents or other files to a ‘document repository’. This provides storage for internal files such as administrative documents, teaching materials such as handouts or slides, or external documents such as articles or reviews. The system has also been programmed with flexibility in mind for the future, and could support distance learning by carrying audio or video files too.

As well as providing a major resource for the Faculty, the website also acts as a community centre for anyone involved with the Faculty. Logged on users can access a number of different discussion forums. Each subject has a related discussion forum for students and staff to discuss topical issues, and the Faculty maintains a number of general and staff-only discussion forums for internal use.

The Faculty is certainly pleased with the rollout of the new site, and it has also received positive feedback from users worldwide. Writing in his Times column in September, Richard Susskind described the site as ‘elegant, unfussy, easy to navigate and informative’, as well as commenting that ‘the underpinning content management techniques are more advanced than in most law firms’ sites’. And as the academical year progresses, students are increasingly realising the benefits of the site. We very much hope that it will blossom as a catalyst for communication and the use of resources for teaching at the Faculty.

Daniel Bates
Freshfields Legal IT Teaching and Development Officer.

The home page of the Faculty’s new website (sponsored by Freshfields Bruckhaus Deringer) at http://www.law.cam.ac.uk/
NEWS FROM THE SQUIRE

Squire Centenary Year 2004
The Squire Law Library is at the intellectual heart of the Cambridge Faculty of Law and for the past one hundred years it has been the major resource for undergraduate and postgraduate teaching, academic research and legal practice. This remarkable and much-loved library will celebrate its centenary in 2004 and a number of events are being planned to celebrate this achievement including a special lecture on 3 March.

In addition, to mark the event, the University of Cambridge is launching a fundraising appeal chaired by Professor Sir David Williams. The target of £2 million will expand the Library’s collections, maximise the provision of information technology, increase resources for training in modern legal methods and secure the Squire’s future as it moves into its second centenary. In essence the establishment of the endowment fund will ensure that the Squire strengthens its position as a world-class law library and continues to underpin the future success of legal scholarship at Cambridge. In launching the Squire appeal, Professor Sir David Williams noted that ‘since its founding in 1904, the Squire has provided an essential resource for the scholarship of law at Cambridge. Scholars the world over have browsed amongst its bookshelves en route to success. I earnestly hope that those who have benefited from this extraordinary collection will support its continued development for the benefit of future generations of lawyers.’

The death of W.A.F.P. Steiner, LLM (London), MA (Cantab), Fellow of the Library Association, of Gray’s Inn, Barrister-at-Law
Willi Steiner was appointed Assistant Squire Librarian to Dr Ellis Lewis from 1 January 1959 and served until 1968 when he was appointed Secretary and Librarian of the Institute of Advanced Legal Studies Library in London. During his time at the Squire, and while acting in a consultative capacity thereafter, he devised a completely new classification scheme for the library and, in 1974, published (through Oceana Publications, Inc.) a complete catalogue of the holdings of the library. Willi Steiner was a kind, helpful man and true professional.

David Wills
Librarian, Squire Law Library

The then Lord Chancellor, Lord Irvine of Lairg with Professor Sir David Williams at a Squire Appeal Reception in the River Room, House of Lords.

Willi Steiner (left) with Professor Kurt Lupstein and Professor Peter Stein outside the Law Faculty Building.

The then Lord Chancellor, Lord Irvine of Lairg with Professor Sir David Williams at a Squire Appeal Reception in the River Room, House of Lords.

New web-pages for the Squire
The 4 July saw the joint launch of the new web pages for the Law Faculty and the Squire Law Library (see also article on page 5). The Squire’s pages are designed to be informative, user-friendly and accessible. The visitor to the site is instantly provided with a direct and concise route to a range of services for students and legal researchers. These services include the library catalogue, known as Newton, a wide array of electronic subscription services (eg. Lexis, Westlaw UK) and links to important web resources such as the British and Irish Legal Information Institute (Bailii), the Social Science Information Gateway (SSIG) and Foreign Law Guide (FLAG). The pages also offer descriptions of the main collections as well as guidance on the classification scheme and the physical layout of the library. The new library pages can be accessed at: http://www.law.cam.ac.uk/squire/
The Centre for Corporate and Commercial Law has had another busy and successful year hosting well-attended conferences, seminars and lectures.

Under the auspices of 3CL a conference was held in St John's College on 10-11 April 2003, entitled ‘Dispute Resolution: Insurance and Reinsurance’. The conference began with a reception and dinner at which the keynote speaker was Sir Anthony Evans. Next day the first session, chaired by Sir Richard Aikens, concerned the appropriate form of dispute resolution for certain issues of marine insurance law. The debate was introduced by Humphrey Hill (Willis) and Professor Robert Merkin (Southampton University). The second session, chaired by Professor Tony Tarr (Indiana University) concerned the appropriate dispute resolution clause for issues such as aggregation. The associated problems were introduced by Randy Cigelnik (Ace Global Markets) and Johnny Veeder QC. The final session, chaired by Lord Mustill, concerned the cost and complexity of current modes of dispute resolution and what might be done to improve the position. The discussion was frank, illuminating and sometimes startling. A larger conference on a wider range of associated questions is planned for April 2004. The provisional title of that conference is ‘Dispute Resolution: Theory and Practice’.

The 3CL held the inaugural Travers Smith Braithwaite Annual Lecture on 7 May 2003. Paul Myners CBE delivered the lecture entitled ‘Perspectives on Corporate Governance’. Mr Myners’ principal theme was that disengaged owners constitute a critical flaw in modern corporate governance. According to the coverage of the lecture in the Financial Times (8 May 2003) Mr Myners ‘called on shareholders to challenge bad management more vigorously’. The Centre is very grateful to Travers Smith Braithwaite for their generous support of this lecture.

The 3CL regular seminar series continued throughout the year. The speakers were Dr David Fox (Cambridge University), William Blair QC (including a reception and dinner kindly sponsored by Allen & Overy), Professor Robert H. Sitkoff (Northwestern School of Law) and Professor Deborah DeMott (Duke University). Details of these events can be found on the Centre’s web page at http://www.law.cam.ac.uk/cccl/home.htm.

3CL continues to attract prestigious visitors with Professor John Farrar (Bond) and Professor Paul Redmond (University of New South Wales) visiting in the Michaelmas Term 2002. Professor Kevin Davis (University of Toronto) was also in Cambridge in the Michaelmas term as a visitor to the CBR and as a lively participant in 3CL activities.

Thanks to the generosity of Clifford Chance, the 3CL has been able to continue to invite leading academics to spend short periods in Cambridge. The third Clifford Chance visitor, Professor Reinier Kraakman of Harvard Law School, visited for a week from 29 June 2003.

The Journal of Corporate Law Studies, published by Hart, continues to be an outlet for high-quality publishable papers that emanate from 3CL activities.

Brian Cheffins
Director, Centre for Corporate and Commercial Law

THE LAUTERPACHT RESEARCH CENTRE FOR INTERNATIONAL LAW

The highlight of the year was the acquisition and renovation of its new building at No.7 Cranmer Road, made possible by the generous financial assistance of the King of Bahrain, the Government of Malaysia and Trinity College. For details see page xx.

The Centre began the 2003-2004 academic year with an expanded programme of activities. Amongst a number of distinguished visitors who spoke at the Centre during the Michaelmas term were Sir Kenneth Keith, of the New Zealand Court of Appeal, Jan Paulson, of Fresfields Bruckhaus Deringer who delivered this year’s Hersch Lauterpacht Memorial Lectures on the topic of Denial of Justice, Judge Adrian Fulford, of the International Criminal Court, Lord Mustill, a former Lord of Appeal and currently the visiting Goodhart Professor of Law in Cambridge, and Mr Sam Daws, on leave from the Office of the United Nations Secretary-General. The Centre also hosted a two day roundtable meeting for government and NGO participants on the topic of a legal framework for the regulation of international arms transfers. This was part of an initiative focused on the adoption of a treaty to this end within the framework of the UN Programme of Action on Small Arms and Light Weapons. The Director and others associated with the Centre have been actively engaged on this project.

For the coming term, the programme of activities will continue this trend. The Centre will be hosting a roundtable meeting, convened by the Professor James Crawford, on the work of the International Law Commission on the responsibility of international organisations and on diplomatic protection. Other invited speakers include Judges Higgins and Simma, of the International Criminal Court, Judge David Feldman, of the Bosnian Constitutional Court who is shortly to take up the position of the Rouse-Ball Professor of English Law, Judge Dolliver Nelson, the President of the International Tribunal for the law of the Sea, and Judge Theodor Meron, the President of the International Criminal Tribunal for the Former Yugoslavia. Discussion seminars are also scheduled with lawyers from the International Committee of the Red Cross in Geneva, the UN Foreign & Commonwealth Office, and Amnesty International.

In addition to its programme of lectures and seminars, the Centre continues with its core publication work on the International Law Reports, the ICSID Law Reports, the International Environmental Law Reports and the Iran-US Claims Tribunal Reports.

Daniel Bethlehem
Director, Lauterpacht Research Centre for International Law
The Centre for Tax Law (CTL) has had a most enjoyable year. The publication of the Government’s Consultative Document on the Reform of Corporation Tax led to a series of workshops in which tax law teachers from other countries spoke about their approach to the issues raised in the Document. The result was wonderfully successful. Workshop after workshop – and tax law professor after tax law professor – proved not only the interest and importance of the topic but also the role which academic tax lawyers can play in the development of our subject. The sessions were well attended by people from academia, from practice and from business, as well as from the highest ranks of the Inland Revenue and the Treasury. Some of the sessions were held in the Law Faculty and some in Queens’ College. All were characterised by a very high level of good-humoured participation and exploration. Our sincere thanks go to all our speakers.

2003-04 will see further workshops, some on the theme of the taxation of groups of companies and some on more varied topics including tax avoidance. Details can be found on the website – http://www.law.cam.ac.uk/ctl/index.htm. Also on the website are the preliminary details of the second tax law history conference, to be held in July 2004. The papers from the first conference are being published by Hart Publishing Co of Oxford.

The success of our business profits workshops provoked other thoughts. Economists have over the past decades come to be seen as natural players in the task of government. Lawyers, by contrast, still seem to remain on the outside, their natural role being that of the professional waiting to be consulted at the later stages. The absence of people with law degrees from the upper reaches of the civil service is also marked. This seems to be a serious waste of the distinctive skills which someone educated in the law can bring, a waste not found in other countries. We would like to think that the CTL workshops might play a part in helping to change this and encourage more recognition by the state of the value of the academic study of law. This issue is of course much wider than tax law – the whole legal academy can contribute.

Further success for CTL came in January 2003 when the Director of the Centre, Professor John Tiley, was awarded a CBE in the New Year’s Honours List for his ‘service to tax law’. Professor Tiley considers the award to be ‘an acknowledgement by the state of the value of the academic study of law generally’.

This year CTL enjoyed visits from Natalie Lee of the University of Southampton, Joanna Wheeler of the International Bureau of Fiscal Documentation, Amsterdam, Assaf Likhovski from Tel Aviv University, and Professor Manuel Lucas Duran from the Universidad de Alcalá, Madrid and Prof Susumi Yamauchi from Fukuoka University, Japan.

CTL wishes to record its debt to its sponsors and supporters and especially KPMG, the Chartered Institute of Taxation and the IFA Congress Trustees.

The Centre for Public Law had a busy 2002/03, organising a number of lectures, seminars and conferences, and receiving several visitors. One of the more unusual occasions was the Seminar on Religious Offences. This was organised in November 2002 at the request of the House of Lords Select Committee on Religious Offences, whose members were in search of objective and expert insight in this area. Mr Ivan Hare, Dr Stephanie Palmer, Professor John Spencer and Professor Sir David Williams addressed a small but distinguished audience consisting of Earls and Viscounts as well as Peers and Peeresses. The Committee proved to be intensely interested and well informed on the topic but very grateful to those who gave papers at the Seminar; it is clear that the event had a substantial influence on the Committee’s recently-published Report. Meanwhile, in June 2003, the Centre held a conference, jointly with the Cambridge Centre for African Studies, on ‘The Right to Good Governance: Voices from Africa’, with papers from the Hon EDA Chibwana, the Ombudsman of Malawi, and Professor Eghosa Osghae of the Programme on Ethnic and Federal Studies, University of Ibadan, as well as Dr John Barker of Hughes Hall. Several High Commissioners and Deputy High Commissioners of Commonwealth African countries attended. The conference brought real expertise to bear on the profound challenge of good government in poor countries with weak civil structures.

The most recent of our evening seminars at the London offices of our patron, Clifford Chance, examined the subject of judicial review in the contractual context. It was chaired by the Hon Mr Justice Beatson, formerly...
Property Rights. The Cambridge contribution came from Sasakawa Peace Foundation on Bioethics and Intellectual as part of an on-going project sponsored by the Japanese with the Sheffield Institute of Biotechnology, Law and Ethics, bioethical theories. The conference was jointly organised from the perspective of different cultures, religions, and East to discuss the ethical problems of biotechnology patents meeting for delegates from Asia, Europe, and the Middle.

On 28 and 29 March 2003 the Faculty meeting on Biotechnology patents. Professor Bill Cornish, the Herchel Smith Professor of Intellectual Property, and Kathy Liddell, a lecturer who specialises in biolaw and is connected with the new Cambridge Genetics Knowledge Park.

Well-attended public lectures were given by two other visitors to the Centre last year. The Hon Mr Justice Albie Sachs, Justice of the South African Constitutional Court, gave a thought-provoking lecture on the technique of judging, entitled ‘Tock-Tick: The Working of the Judicial Mind’. Judge Sachs’ lecture, which will be published in due course, was replete with vivid insights into the actual process whereby a judge makes up his mind. The Hon Dr Margaret Ng, the legal profession’s elected representative on the Hong Kong Legislative Council, delivered a strong critique of the Hong Kong government’s proposals – which are now being rethought in the face of substantial public opposition – to enact security legislation under Article 23 of the Basic Law. A number of other distinguished speakers, including Richard Clayton QC (39 Essex Street), Tom Zwart (University of Utrecht), Professor Martin Louglin (London School of Economics) and Professor Mark Aronson (University of New South Wales), visited the Centre to address the Public Law Discussion Group on topics ranging from the construction of preclusive provisions in Australian administrative law to the proper limits of the judicial role in cases involving the Human Rights Act.

The forthcoming year promises to be equally full of activity with Sir Kenneth Keith and Professor Ronald Dworkin delivering lectures in the Sir David Williams lecture series, and a major conference on the government’s proposals for a new supreme court and reform of the judicial appointments system.

Christopher Forsyth
Director, Centre for Public Law

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INTELLECTUAL PROPERTY MEETING ON BIOTECHNOLOGY PATENTS

On 28 and 29 March 2003 the Faculty’s IP Unit hosted a meeting for delegates from Asia, Europe, and the Middle East to discuss the ethical problems of biotechnology patents from the perspective of different cultures, religions, and bioethical theories. The conference was jointly organised with the Sheffield Institute of Biotechnology, Law and Ethics, as part of an on-going project sponsored by the Japanese Sasakawa Peace Foundation on Bioethics and Intellectual Property Rights. The Cambridge contribution came from

Professor Bill Cornish with delegates at the Intellectual Property meeting on Biotechnology patents.
A number of ideas and arguments emerged from the meeting. One message, particularly expounded by a representative from the European Patent Office, was that nations should not underestimate the patent system’s ability to adapt to the ethical and social dilemmas of gene patents. The patent system was designed to distribute property rights in new scientific technologies. Radical reform is therefore probably undesirable and unnecessary. In partial agreement, other contributors suggested that patent offices and courts might instead monitor more closely whether biotechnology patents are truly inventive and that their usefulness has been adequately demonstrated. Furthermore, governments might, after due reflection and negotiation (and mindful of the constraints imposed by the TRIPs Agreement), use compulsory licensing and Crown/Government use powers to prevent patent holders from unfairly hindering affordable health services.

International visitors drew attention to the uneasy relationship that exists between Western patenting traditions and their countries’ main religions. International harmonisation has introduced pragmatic Western values into IP law in Thailand, Iran and India, whereas wider cultural notions of ethics and fairness are uncertain about the ethical acceptability of patent claims over biotech inventions. Patent claims over genetically modified animals, embryo stem cell lines and essential medicines were some of the more controversial issues. Continued debate is important if we are to avoid a democratic deficit creeping into this area of law.

Abstracts and papers can be found on our website at http://www.ipgenethics.org

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THE CENTRE FOR EUROPEAN LEGAL STUDIES

CELS began the academic year on a high note with a well-attended Mackenzie-Stuart lecture, given by Judge David Edward, on ‘National Courts – the Powerhouse of Community Law’. His theme focused on the contribution of national courts in setting the agenda for the development of Community law by the ECJ. This provided an antidote to the usual attention devoted to the Luxembourg courts. Later in the term, the Premier Président of the Cour de cassation in Paris, M. Guy Canivet, gave a lecture on the liability of judges. Although the lecture was in French, the large lecture theatre was packed, and many in the audience were forced to sit on the stairs!

Apart from these major public lectures, CELS organised its usual menu of lunchtime seminars during the Michaelmas and Lent terms. The first talk by Alan Dashwood on the draft European Constitution, and the last talk by Philip Allott on ‘After America? Europe’s Place in the New World Order’ were so popular that a lecture theatre had to be used, since the audience was more than double the capacity of the usual seminar room. Some of the seminars were given by prominent speakers from outside Cambridge – Jo Shaw (Manchester) on European Citizenship and electoral rights, Charlotte Villiers (Bristol) on accounting standards, Michael Cardwell (Leeds) on EU agricultural policy, Christian Joerges (EUI, Florence) on European constitutionalism, Jane Holder (UCL) on EU environmental law, and Soren Schonberg (formerly of the ECJ) on the standing of private parties before the European courts. Internal speakers included Angus Johnston on energy law, Eleanor Spaventa on EU social law and Amandine Garde on harmonisation in employment law. Although most talks were on EU-related themes, there were talks on comparative law: from the visiting Goodhart Professor Wolfgang Ernst on the reform of the German Civil Code provisions on remedies for breach of contract, and by John Bell on lay judges.

More of an innovation this year was an inter-disciplinary seminar afternoon on the Euro. Dr Sainz de Vicuña of the European Central Bank presented the legal issues and Mica Panic (Economics) and Helen Thompson (Politics) gave the perspectives of other disciplines on the current issues. This gave rise to an interesting debate and offers a pattern for future CELS activities. Many of the seminar papers have been revised and collected together for the Cambridge Yearbook of European Law, volume 5 of which will be published at the end of 2003.

In June, the Faculty hosted a conference on ‘Social Welfare and EU Law’, organised by Michael Dougan (now at UCL) and Eleanor Spaventa. The conference brought together experts from different countries, disciplines, and professional experiences. The external speakers were Ms Barbara Helfferich and Dr Robertus Cornelissen from the European Commission, Judge Ninon Colneric from the European Court of Justice, Professor John Temple Lang, Dr Andria Biondi, Professor Derrick Wyatt, Dr Panos Koutrakos, Professor Jonathan Montgomery, Professor Frans Pennings, Dr Anne Pieter van der Mei, and Mr Nick Bernard. The speakers all discussed the scope of national sovereignty in welfare provision in the light of current developments in EU law.

Thanks to the generosity of Baker and McKenzie, a group of 30 undergraduate and LL.M. students went on the European Institutions visit in March. The four-day trip included visits to the Council, the Commission, the Parliament, and the Council of the Regions in Brussels, and the European Court of Justice in Luxembourg. There was also a chance to socialise with students in Brussels, and to attend a reception given by Baker & McKenzie. Participants came from a dozen countries, which made for a lively mix of personalities and a wide range of questions to be posed to the representatives of the European Institutions, who were all very welcoming and responsive. Naturally, such a trip has its moments of trauma, but Eleanor Spaventa’s skill in negotiating with the police and embassies in Luxembourg ensured that everyone had a passport and could board the plane at the end of the trip!

John Bell
Director, Centre for European Legal Studies
NEW AND IMPROVED ACCOMMODATION FOR THE LAUTERPACHT RESEARCH CENTRE FOR INTERNATIONAL LAW!

For many years the fine Victorian house at 7 Cranmer Road, next to the Centre, has been a hostel for research students from Trinity College. When the house came on the market, Sir Elihu Lauterpacht – with customary vision and energy – arranged for its purchase for the purposes of the Centre. This was only possible due to the great financial support of the King of Bahrain, The Malaysian Government, and of Trinity College which made a substantial donation towards the cost of purchase. The Centre is enormously grateful to them.

Phase I refurbishment began in November 2002 and was completed in June 2003. This involved the refurbishment and redecoration of the existing building, including the creation of a large room to house the archive of the Qatari v Bahrain case in the International Court of Justice and also to provide an extended seminar room. The Bahrain Room is located on the ground floor overlooking the garden. The dividing wall between No 5 and No 7 has been partially removed so as to link the two gardens.

There are eight bed sitting rooms/offices, each with separate bathrooms on the first and second floors, plus one large office, a common room, storage room and the Bahrain Room on the ground floor. The four guest rooms on the first floor can be configured as two-room flats with kitchenettes, or as a four bed sitting rooms, according to demand.

We have increased substantially the living and office accommodation for visitors and provided additional conference and common spaces.

Phase 2, which is dependent on further financing being obtained, will involve the construction of a physical link between No. 7 and No. 5, a caretaker’s flat above the link, additional storage space and related facilities.

THE CAMBRIDGE FORUM FOR LEGAL AND POLITICAL PHILOSOPHY

Founded in 1999, the Cambridge Forum for Legal & Political Philosophy (CFLPP) now encompasses approximately sixty faculty members and research students not only from the Law Faculty but also from the Philosophy, History, and Social & Political Sciences Faculties. We operate a regular reading/discussion group, which draws 15-20 participants to every session. With a different person in the chair on each occasion, the discussions are generally of a pleasingly high quality.

Although the CFLPP has not sponsored another conference this year along the lines of the major Human Nature in Law & Political Morality conference last year, we have sponsored three public lectures by Brian Leiter, Richard Rorty, and James Murphy respectively. The lecture by Rorty entitled Is Moral Theory Trapped between Kant and Darwin? was an overwhelming success drawing approximately 300 people. After the lecture questions were taken from the audience for nearly an hour and the questioning could easily have gone on for much longer. The other two lectures were also well attended with approximately 75 people present for each of them.

For the next academic year we have already lined up public lectures by two of the world’s foremost political and legal philosophers, G.A. Cohen and Ronald Dworkin. We intend to line up five lectures overall - two in the Michaelmas Term, two in the Lent Term, and one in the Easter Term. We shall also begin to organise a conference for 2005; the planning is now under way.

The CFLPP gained formal recognition from the Law Faculty Board in the autumn of 2001 as a research forum affiliated with the Faculty of Law. The forum hopes to be able to schedule more frequent lectures in the near future, depending on the success of fund-raising efforts. Over the longer term, if the aforementioned efforts bear fruit, the CFLPP will aim to found a journal and to create a postdoctoral research-fellowship position that will be occupied by someone who can advance the organisation’s activities in a variety of ways. In the meantime, the CFLPP’s regular reading/discussion group will continue to be a highly popular focus for interdisciplinary interaction among Cambridge faculty members and research students who are interested in issues of legal and political philosophy.

Matthew H. Kramer
Director, Cambridge Forum for Legal and Political Philosophy

No 7 Cranmer Road in all its glory!
Early next summer the Institute of Criminology will leave the ‘temporary’ accommodation at 7 West Road into which it moved more than 40 years, and will take up official residence in its new quarters adjacent to the Law Faculty building on the University’s Sidgwick site. The Wolfson Trust in 1959 provided funds to the University to build a criminology building and endow the Wolfson Professorship in Criminology. The chair, which Professor Sir Anthony Bottoms now holds, was established but the building never got built. The building fund, however, steadily grew in value and provides a major portion of the funds for the new building.

The Institute has long been cramped for space but its need has never been greater than it is now. The Radzinowicz Library, for example, is widely recognized as the world’s pre-eminent specialist criminology research library but, because of its current cramped quarters, it can neither shelve its entire collection nor comfortably accommodate Cambridge users or the many visitors who come from around the world.

The most pressing needs, however, are for research and teaching space. Three thriving research institutes have been set up in the last few years: the Prisons Research Centre, directed by Alison Liebling; the Centre on Penal Theory and Penal Ethics, directed by Andrew von Hirsch; and SCoPiC, the ERSC Cambridge Network for the Study of Social Contexts of Pathways in Crime, directed by Per-Olof Wikström. Each has brought with it new staff, money, energy, and visibility. In addition, three of the world’s major longitudinal studies on crime and human development (David Farrington’s in London, Per-Olof Wikström’s in London, Manuel Eisner’s in Zurich) are based at the Institute, and three of the world’s leading criminology book series are edited here (David Farrington’s Cambridge Studies in Criminology, Per-Olof Wikström’s Clarendon Studies in Criminology, and my OUP-US Studies in Crime and Public Policy). M.St. programmes for senior police, prisons, and most recently probation officials have also taken root, enabling us to expand and diversify our staff, and to provide an outreach into important parts of the British criminal justice system.

The Institute’s new five-story building comes at an opportune time. It is three times larger and boasts roughly 2600 square meters of floor space compared with the 750m² we have at present. Nearly a third of this is allocated to the Radzinowicz Library. For the first time in many years, the Library will be able to house its entire collection in one place and to acquire new materials without wondering whether there is a place to shelve them.

The building will, besides, providing working spaces for our academic and administrative staff; enable the Institute for the first time ever to do all its teaching in its own building; provide adequate work space and facilities for Ph.D. and post-doctoral students; and provide accommodation for the centres, programmes, and research projects.

Michael Tonry
Director, Institute of Criminology
ARRIVALS...

The Faculty welcomes the following new appointments:

Mr Matthew Conaglen (Trinity Hall) has been appointed to the John Collier Fellowship in Law at Trinity Hall. He was previously a research student in the Faculty, working on the nature and function of fiduciary duties.

Professor David Feldman (Downing College) will take up the Rouse Ball Chair in April 2004. He is currently Professor of Law at the University of Birmingham and a Legal Adviser to the Parliamentary Joint Select Committee on Human Rights.

Mr Angus Johnston (Trinity Hall) has been appointed to a University Lectureship. He was previously a College Teaching Officer at Trinity Hall and a Newton Trust Lecturer.

Dr Kathy Liddell has been appointed to the Genome Knowledge Park Lectureship in Law and Genetics. She comes to us from Oxford, where she was a research student. She previously worked on health policy as an advisor to the State Government of Victoria.

Ms Louise Merrett (Trinity College) has been appointed to a College Teaching Post. She was previously a commercial barrister, practising from Fountain Court Chambers.

Ms Nicole Moreham (Gonville and Caius College) has been appointed to a College Teaching Post. She was previously a research student in the Faculty, working on the common law protection of privacy.

Lord Michael Mustill (St John's College) is this year's Arthur Goodhart Visiting Professor of Legal Science. He is teaching International Dispute Settlement and the Law of Obligations.

Mr Oke Odudu (Downing College) has been appointed to a College Teaching Post. He was previously a research student in Oxford working in the area of Competition Law.

Mr Ben Parker (St John's College) has been appointed to a University Lectureship. He was previously a College Teaching Officer at St John's and the Norton Rose Deputy Director of the Centre for Corporate and Commercial Law.

Dr Antje Pedain (Lucy Cavendish College) has been appointed to a University Lectureship. She was previously a College Teaching Officer at Lucy Cavendish.

Dr Lavanya Rajamani (Queens’ College) has been appointed to a lectureship in Environmental Law in the Department of Land Economy. She was previously a junior Research Fellow in Public International Law at Worcester College, Oxford.

Mr Jake Rowbottom (King's College) has been appointed to a College Teaching Post. He comes to us from a College Lectureship at New College, Oxford.

Dr Jillaine Seymour (Sidney Sussex College) has been appointed to a College Teaching Post. She was previously a General Associate (Litigation) at Baker and McKenzie in Sydney and a Lecturer at the University of New South Wales.

Ms Sophie Turenne has been appointed to the Clifford Chance/Neil Allam Lectureship. She was previously a Lecturer in Law at the University of Birmingham.

Mr Steve Hedley (Christ's College) has taken up a Chair at University College, Cork.

Mr Richard Hooley (Fitzwilliam College) has taken up a post as Professor of Law at King's College, London. We are delighted that Richard continues to be a Fellow at Fitzwilliam where he is Director of Studies for the LLM and are immensely grateful to him for carrying on his teaching on the LLM International Banking Law Course.

Mr Tony Weir (Trinity College) has retired from his University Readership.

...AND DEPARTURES

We are grateful to the following for all that they have done for the Faculty and we wish them the very best for the future.

Professor Wolfgang Ernst (Magdalene College) has returned to his Chair at the Institute for Romisches Recht in Bonn after his year with us as Arthur Goodhart Professor of Legal Science.

Dr Michael Dougan (Downing College) left the Faculty to take up a Lectureship at University College, London. He has since been appointed to a Chair at the University of Liverpool.

Ms Amandine Garde (Selwyn College) has gone into practice with Simmons and Simmons.

Mr Peter Glazebrook (Jesus College) has retired from his University Lectureship.
THE FUTURE OF LABOUR LAW CONFERENCE

The conference on The Future of Labour Law was held in Cambridge in July 2003 in honour of Bob Hepple, on the occasion of his retirement from the Mastership of Clare College. The theme of the conference was inspired by an observation by Bob in one of his recent papers to the effect that, across the world, a different kind of labour law is in the process of formation. Issues covered at the conference were the ideology of New Labour Law; the employment relationship; the public/private divide; termination of employment; equality law; corporate governance; collective bargaining; workers' participation; strikes; international labour standards; the role of EU law; the EU Charter of Fundamental Rights; Labour Law and Development in Southern Africa; and the impact of globalisation. The contributors included a number of Bob's former doctoral students at Cambridge in the 1970s, collaborators on some of his major labour law works, colleagues from the period of the founding of the Industrial Law Journal which he edited from 1972 to 1977, and distinguished international scholars from Australia, South Africa, Italy and Germany. The book of the conference, The Future of Labour Law, edited by Catherine Barnard, Simon Deakin and Gillian Morris, will be published by Hart in 2004.

Bob's retirement as Master of Clare coincides with his taking up a Leverhulme Senior Research Fellowship as well as a position as senior researcher in connection with the Nuffield New Career Fellowship which Jude Browne will hold in the Faculty of Law from October 2004. His own contribution to the debate on the development labour law will therefore remain substantial.

CONGRATULATIONS TO....

• Dr Albertina Albors-Llorens, who was awarded one of the University's prestigious Pilkington Teaching Prizes. This is the second year running in which a member of the Faculty has been recognised in this way; Graham Virgo having won the prize in 2002.
• Professor Philip Allott, who was awarded a prize for pre-eminent Scholarship by the American Society of International Law for his book 'The Health of Nations. Society and the Law beyond the State.' The book was also nominated for the British Academy Book Prize 2003.
• Dr Andrew Bainham and Mr Graham Virgo, who were appointed to Personal Readerships.
• Professor John Baker, who was knighted for his services to English Legal History.
• Mr Daniel Bethlehem (Director of the Lauterpacht Centre for International Law), who was appointed Queen's Counsel and Professor John Spencer and Professor John Bell (Director of the Centre for European Legal Studies) who were appointed Queen's Counsel honoris causa.
• Professor Sir Tony Bottoms, who was awarded an honorary LLD by Queen's University, Belfast.
• Professor James Crawford and Professor Sir Elihu Lauterpacht, who had federal Malaysian honours bestowed upon them.
• Professor James Crawford, in whose honour the University of Adelaide has created the James Crawford Biennial Lecture Series in International Law. Professor Crawford gave the first of these lectures on 4 September 2003 on the topic “The International Rule of Law”.
• Dr Peter Harris and Mr Richard Nolan, who were appointed to Senior Lectureships.
• Professor Bob Hepple and Professor David Ibbetson, who were elected Fellows of the British Academy. Indeed, Bob has had a busy and successful year! He was also appointed Chairman of the Nuffield Council on Bioethics and awarded a two year Leverhulme Trust Emeritus Fellowship.
• Dr Neil Jones, who was awarded the Selden Society’s David Yale award for what was adjudged to be the best piece of work in English Legal History by a younger scholar.
• Professor Matthew Kramer, who was appointed to a Personal Professorship.
• Professor Toby Milsom, who was awarded an Honorary LL.D. by the University of Cambridge.
• Dr Nicky Padfield, who was appointed as a Recorder.
• Professor John Tiley, who received a CBE in the New Year’s Honours List for his services to Tax Law.

THE SUCCESSES OF THE ADMINISTRATIVE STAFF

The Faculty is very proud of the recent successes of members of the administrative staff. Elizabeth Aitken, the Faculty’s Accounts Manager, recently obtained an NEC Certificate in Accounting for Excellence (Level 3). Sarah Ross, who came to the Faculty under the University’s Youth Training Programme (now the University Young Employees Programme) achieved an NVQ at level 2. The Faculty is delighted to be able to facilitate education and training at all levels and congratulates Elizabeth and Sarah on their achievements.

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Philip Allott. The Health of nations: society and law beyond the state. Cambridge: Cambridge University Press, 2002


Elizabeth Burney and G Rose. Racially aggravated offences: how is the law working? London: Home Office, 2002 (Home Office Research Study; no. 244)


David Farrington et al. Two intensive regimes for young offenders: a follow-up evaluation. London: Home Office, 2002 (Home Office Research Findings; no. 163)


The Faculty is keen to hear from Alumni and from those who would like to receive Lawlink on a regular basis. If you would like further information about the Faculty and its activities please write to:

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AN ANNUS MIRABILIS FOR THE CAMBRIDGE LEGAL HISTORIANS

As the principal centre for the study of English Legal History, Cambridge has not looked back since Oxford failed to elect Maitland to a Readership in 1883 and Cambridge appointed him instead. 2003 has proved something of an annus mirabilis for the current cohort of his successors. Toby Milsom, Maitland’s doughtiest opponent, was awarded an Honorary LL.D. by the University. John Baker, unquestioned leader of scholarship in the field for a quarter of a century and current holder of the chair occupied by Maitland, was knighted for his services to English Legal History in the Queen’s Birthday Honours.


****STOP PRESS****

THE CAMBRIDGE-HARVARD LINK

We are delighted to announce a formal linking arrangement with Harvard Law School. This will operate at 3 levels: several of our best law graduates undertaking the Harvard LLM on favourable financial terms and Harvard final year JD students undertaking our LLM (for partial credit towards their JD); exchanges of research students, and staff exchanges. This is the first such arrangement Harvard has had with a non-US school, and is our most ambitious exchange scheme yet. Steps are being taken to raise money to support the Cambridge end of the link.

AN ANNUS MIRABILIS FOR THE CAMBRIDGE LEGAL HISTORIANS

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