On 25 October 2007, the tenth Mackenzie-Stuart Lecture was given by the new Lord Chancellor and Minister for Justice, the Rt Hon Jack Straw MP. This would have been a high-profile event in any circumstances but it became all the more so when he took the occasion to make a major statement on the government’s position on human rights.

Mr Straw began the lecture with an eloquent defence of the European Convention on Human Rights, and of the Human Rights Act which gives it effect in UK law. As a central point, he emphasised that the Convention was drafted with significant input from UK lawyers and should be seen as extending the fundamental values of the common law to Europe, not corrupting the common law with alien influences from across the Channel. Looking to the future, he did not (as some had been expecting) go on to say that, as a result of 9/11 and the threat of terrorism, the rights guaranteed by the Convention must now be limited. But he did point to the problems caused by “excessive consumerism” and what he called the “commoditisation” of human rights, where people view themselves as customers - rather than citizens - expecting their individual needs to be met instantly and their individual rights to be allowed to be exercised without regard to others.

As a possible counter-measure, Mr Straw announced that the government intended to consider the possibility of introducing a “Bill of Rights and Responsibilities”. Its aim would be to help foster a greater sense of citizenship by “establishing and articulating the balance between the rights we are all entitled to and the obligations we all owe to each other”. Mr Straw emphasised the law’s powerful role in society and its position at the very heart of British citizenship. He concluded by promoting the need for such a Bill of Rights to be seen as more than just a legal document, becoming a charter, owned by the British people, that expressed their values as a society.

The lecture was heard by a large and highly appreciative audience and was widely reported in the press. The lecture is published in full on the Ministry of Justice website and is available as a webcast on the CELS website.

Dr Catherine Barnard and Professor John Spencer Co-Directors, CELS
A LETTER FROM THE CHAIR OF THE FACULTY

The past twelve months have been eventful and successful, and extraordinarily busy! I can, in this annual letter, only give a snapshot of our many and various activities and the extraordinary achievements of the Faculty and its staff and students. This is a vibrant community of scholarship and scholars, and one which facilitates teaching and research of the highest quality, in spite of many internal and external pressures. I will, in the following paragraphs, address both the challenges and the successes.

Members of the Faculty, in common with academics in all disciplines across the country, have devoted a great deal of time to preparing for the 2008 Research Assessment Exercise (RAE). The reputation and financial health of universities from 2009 to 2014 will depend heavily on the outcome of the exercise. The RAE is based on peer review (by discipline) of the quality of the research activities undertaken in submitting Faculties and Departments based on a broad range of indicators, including publications, research environment and research esteem. Future funding will be determined by a ‘quality profile’ drawn up for each subject within each institution. The vital importance of this in-depth review made the completion of detailed and demanding documentation into a top priority for the senior members of the Faculty through much of 2007. I should like to pay tribute to the vital work done by the Faculty’s RAE Committee in preparing the submission, and particularly to Professor David Ibbetson (Chair of the Committee), Dr Kirsty Allen (Secretary to the Committee) and David Wills (Squire Law Librarian) for their monumental efforts and guidance. The outcome will be known in December 2008.

We undertake high quality teaching and research with a level of funding that makes leading American law schools look at us with sympathetic admiration. We have been fortunate in the past to receive some munificent assistance from private donors, and from bodies that include the City Solicitors Educational Trust, the Herchel Smith Foundation and a number of major firms of solicitors and accountants. Unfortunately, donations which in the past allowed us to support the general purposes of the Faculty by subsidising our teaching budget have been exhausted in the face of progressive cuts in public funding for students in real terms over nearly thirty years and savings targets imposed by the University to deal with its deficit. We continue to benefit from substantial and invaluable financial support from a number of firms (including Clifford Chance, Freshfields, KPMG, Lovells, Herbert Smith, SJ Berwin and Slaughter and May) but law firms are necessarily becoming more selective in their giving, and the donors to the University’s 800th Anniversary fundraising campaign are tending to give either to their Colleges or to new projects, especially building projects. As a result, we now lack the type of funding which the Faculty most needs, namely funding to allow us to maintain our core activities in the field of teaching and learning. This makes it necessary for us to look hard at our activities, including academic programmes, to see whether there are loss-making activities which can be cut in order to make savings. It necessitates painful decisions. It goes almost without saying that the intensive and high-quality legal education in which the Faculty has specialised for centuries is expensive to run – and both government and other funds are in increasingly short supply. We have to put ourselves on a financially stable basis in order to be able to ensure that we can continue to provide the best education for the next generation of undergraduates and postgraduates.

I am confident that we shall emerge from the process of rationalising our activities with a strong and sustainable teaching and research culture which will carry us into the future. It is regrettable, however, that our society appears not to recognise the wider social value of legal education. Our graduates help to maintain the robustly independent legal professions needed to secure the future health of our legal system and the subjection of government to the rule of law, without which democracy is impossible (as recent events in Pakistan and Zimbabwe showed). Our academics provide independent, objective, free, expert advice and evidence to parliamentary committees, government departments and non-departmental public bodies in this country and around the world on a wide range of subjects, without which public policy-making and law reform would be impoverished and far less effective. Governments, the professions and the wider public have to recognise that universities generally (and university law faculties in particular) have an important role in preserving, enhancing, and transmitting into the future a valuable and many-faceted cultural and disciplinary heritage. I hope that your Faculty will long be able to continue in that endeavour.
Onwards and Upwards: staff changes and achievements

In 2007 and 2008 there have, as usual, been comings and goings, gains and losses. On the loss side, in 2007 we said farewell to several valued colleagues:

John Armour was elected to the prestigious new Chair of Law and Finance at the University of Oxford, and moved to become the founding Professor in a Chair which is sure to become immensely important in its field. We take pride in John’s achievements and wish him every success, happiness and fulfilment; his is bound to be a distinguished tenure of a distinguished Chair.

Cherry Hopkins retired, having for many years been a Fellow of Girton College and a mainstay of the Faculty, the Cambridge Law Journal, and international law publications. Generations of students and colleagues in the Faculty and College had had the advantage of her acute legal scholarship, advice, friendship, inspiring and demanding teaching, and supportive pastoral care. Her retirement was marked by a memorable event at Girton College in June 2007, at which the Mistress, Baroness Hale, Lady Justice Arden and I paid tribute to her, and Cherry replied with moving eloquence.

Ben Parker, who made a great contribution to the work and collegiality of the Faculty and of St John’s College, left both Cambridge and academic life to seek new horizons. Dr Charlotte Ku, who as Acting Director of the Lauterpacht Centre for International Law for two terms in 2006-07 had produced a valuable report to form the basis of the Centre’s strategic planning as it prepares to enter its second quarter-century in 2008, returned to the USA to take up a position at the University of Illinois. Professor Silvana Sciarra, having participated memorably in the social as well as the academic life of the Faculty during her year as A L Goodhart Visiting Professor of Legal Science (in the course of which she was also our Mackenzie-Stuart Lecturer for 2006), returned to the University of Florence. Happily Charlotte and Silvana have both returned to visit us from time to time.

We were saddened by the deaths of two notable former members of the Faculty. Sir Arthur Watts died in November 2007, and Professor Paul O’Higgins died in March 2008. They are much missed by their many friends in the Faculty and elsewhere, and we offer our condolences to their families.

On the positive side, it is pleasing that we continue to attract impressive new colleagues. Professor Lawrence Sherman, a world leader in experimental criminology, joined us in 2007 (from the University of Pennsylvania) as the Wolfson Professor of Criminology. He has already initiated major new programmes of research and postgraduate teaching, attracting generous financial support from the Jerry Lee Foundation in the USA.

Six new University Lecturers took office in September 2007. Four were already well known to us as College Fellows: Jo Miles (Trinity Hall), Richard Moules (Fitzwilliam), Amit Pundik (Hughes Hall), Stelios Tofaris (Girton), Isabelle Van Damme (Clare College) and Alison Kesby (a Research Fellow at St John’s). Two joined us from outside Cambridge: Dr Lorand Bartels, a WTO law specialist, from the University of Edinburgh; and Zachary Douglas, an international commercial lawyer, from University College London. As a result, the strengths of the Faculty have been both consolidated and significantly extended.

At College level, a number of new appointments have been made: Patricia Londono (Trinity Hall), Richard Moules (Fitzwilliam), Amit Pundik (Hughes Hall), Stelios Tofaris (Girton), Isabelle Van Damme (Clare College) and Alison Kesby (a Research Fellow at St John’s). Next October we shall welcome Paul Davies (Gonville and Caius), Kimberley Trapp (Newnham), Solene Rowan (Queens’ College), Emma Waring (St John’s) and Matthew Dyson (Jesus).

We therefore remain able to perform at the highest level across a wide range of subject-areas, offering a vibrant intellectual environment from which undergraduates, postgraduates, staff and the wider community benefit. Our academic achievements have been publicly recognised in various ways. In the past year, members of the Faculty have received some notable accolades. For example, the Université Paris I conferred an honorary degree on Professor James Crawford, who was also appointed to the high Malaysian honour of Panglima Jasa Negara. Professor Sir Tony Bottoms received an Award for Lifetime Contribution from the European Society for Criminology, and Professor Sir Elihu Lauterpacht was honoured by Chambers & Partners with a Lifetime Achievement Award, made only to those with the highest international reputations. Mr Richard Fentiman was elected a member of the American Law Institute, an unusual distinction for a non-American. Professor David Ilberton was elected an Honorary Bencher of Gray’s Inn, and I was appointed an Honorary QC. In the University’s internal promotions process in 2007, we were delighted that a Personal Professorship was conferred on Graham Virgo, a Personal Readership on Richard Nolan, and a Senior Lectureship on Dr Mandeep Dhani.

All these achievements are indications of the success with which everyone in your Faculty, in our different fields and ways, helps to produce interesting, important, intellectually challenging and socially beneficial results through our research, teaching and learning, advisory, judicial and outreach work. I am confident that the Faculty will continue to operate in this way, with your support. It has been a difficult year, but one in which I have felt more than ever privileged to be part of this magnificent organisation.

Professor David Feldman Chair, Faculty Board of Law
The Faculty of Law was delighted to host a pre-screening of the BBC production *Stuart: A Life Backwards* on Friday 8 September 2007. The film, directed by David Attwood, is based on the acclaimed novel by former Wintercomfort worker Alexander Masters. The film tells the story of Stuart Shorter, a homeless alcoholic with a violent past, who strikes up an unlikely, eccentric and sometimes volatile friendship with writer and charity worker Masters. Masters embarks on a novel about Stuart’s complicated life and traumatic childhood but finds it difficult to capture the drama and immediacy it deserves until Stuart suggests that the story be told backwards in order to make it “more exciting - like a Tom Clancy murder mystery”. Between them, they recount the story, with Stuart’s resilient personality and dry sense of humour giving the story a tragi-comic edge. The story is set in and around Cambridge and, as such, has a particular resonance and poignancy for a Cambridge audience.

The pre-screening event was a fundraiser for local charity Wintercomfort for the Homeless of which Kirsty Allen, Secretary of the Faculty Board of Law, is a Trustee. The screening played to three packed lecture theatres seating a total of about seven hundred people. The audience was made up of members both of the University and of the local community and included the University’s Vice-Chancellor, local politicians, Alexander Masters, members of the production team and Tom Hardy, who subsequently won a BAFTA Best Actor nomination for his role as Stuart in the film. The event raised £5698 in total, every penny of which went to support the work of Wintercomfort. Members of the Faculty’s administrative and computing staff (in collaboration with Neal Street Productions and Wintercomfort trustees) played a vital role in making the event such a tremendous success.

The Faculty is proud to be associated with events like this which benefit the Cambridge community and which are a part of the University’s wider commitment to the support of charitable, educational and voluntary partnerships in Cambridge and beyond.

Further information about Wintercomfort (including giving opportunities) is available at www.wintercomfort.org.uk.

Steve Burdett
Founded in 1901, the Cambridge University Law Society is one of the oldest societies of its kind in the world. Its aims are manifold. On the academic side, it aims to provide a forum for the discussion of current legal issues, career guidance, university mootings and to publish a termly magazine. But this only accounts for half of the Society’s mandate. It is also instrumental in providing regular social and networking events for our members.

Easter Term 2007 was, as always, a relatively quiet affair with only three events taking place. We were delighted to welcome Sir Lawrence Collins who took part in a Q&A session focused on his involvement in the Pinochet extradition proceedings, and held two hugely successful social events: the Annual Garden Party and President’s Drinks.

By contrast, Michaelmas Term 2007 was action-packed. We held no fewer than seven social events, including a formal hall at Downing College, a trip to Ronnie Scott’s Jazz Club in London and our Annual Charity Quiz in aid of Wintercomfort for the Homeless (which raised almost £10,000). The Term culminated in our most successful Annual Ball ever – which, for the second year running, was held in the spectacular Millennium Grandstand at Newmarket Racecourses and attended by over 600. The Term also saw us welcome Lords Scott and Carswell in successive weeks to address the Society on ‘Judicial Law Making and the Separation of Powers’ and ‘The Human Rights Act in the House of Lords’ respectively. Following these two distinguished speakers might by some be considered daunting. However, Toby Landau (recently appointed QC) did so marvellously, giving members an interesting and enjoyable insight into life at the English and International Bars.

The vacation that followed saw a group of students depart to Holland’s Leiden University on the Society’s long established week-long exchange programme, to experience law and study in another European jurisdiction. On the back of the continued success of this scheme, the Society instigated a further exchange with the University of Paris II. This too was a fantastic success, with Cambridge students travelling to Paris during Christmas, and the French returning during the Easter Vacation.

Lent Term 2008 was also extraordinarily busy. This was largely down to the continuation of the Society’s speakers programme which was the most extensive of recent years. R F Owen QC, a leader in the Fairchild litigation, got the Term underway with a comprehensive lecture on the law of tort entitled ‘Causation and Damage: the Decisions in Fairchild, Barker and Johnson’. This was followed by two very engaging and informative lectures from two of Her Majesty’s Judges. The first was on ‘Sentencing Issues’ delivered by Sir Igor Judge, and the second, entitled ‘The Nobel Lie’, was delivered by Sir John Laws.

This year the Society also instituted a new (to us) format of speaker’s event: the legal debate. The motion, suggested by Ms Janet O’Sullivan, was ‘This House Believes that Restitution Has No Role to Play in Contractual Remedies’. It was debated by Mr Nick McBride (in Proposition) and Professor Graham Virgo (in Opposition) in front of a boisterous Union Chamber who gave their verdict at the close: the Ayes had it! The year’s speakers programme was concluded with an address from perhaps the most eminent female lawyer in history: Her Excellency Dame Rosalyn Higgins, President of the International Court of Justice, who brought her considerable experience in teaching, practice and adjudication to bear as she described the intricacies and workings of the ICJ to a packed lecture theatre, making a point of answering every question students wished to put to her, and later giving an interview for the Society’s magazine Per Incuriam.

The Lent Term was also successful on a number of other fronts: a number of social events were held; the Annual Dinner was moved to a new larger venue; there was a record attendance at Hustings; the online election successfully returned a new Executive to serve for 2008-09; and Per Incuriam was published with a strong editorial focus on the continuing troubles in Pakistan.

Lastly but by no means least, mooting also enjoyed a buoyant year. Congratulations go to Heather Emmerson who won the Blackstone Chambers De Smith competition, Stephen Kosmin and Hugh Miall who won the Brick Court Team competition, and Stefan Lieberadzki who won the Quadrant Chambers Fledglings’ competition. Additionally, the Society has teams in the latter stages of two national competitions (ESU: Jennifer MacLeod and Carlo Taczalski; and OUP: Mike Lee and Heather Emmerson). Congratulations and the best of luck to both teams.

The Society is extremely grateful to all of the firms, chambers, committee members, academics, and support staff who have made the year possible. There is simply not space to mention everyone who deserves our thanks, but most know who they are. Thank you!

More details on all of our activities (including Term Cards and recordings of most lectures), our generous sponsors and the running of the Society can be found at the Society’s new website: www.camlawsoc.com.

Carlo Taczalski
CULS President 2007-08

2007-08 CULS President Carlo Taczalski (right) with newly elected CULS President Joe Ruiz (left) at the Faculty of Law in April 2008
The Cambridge Faculty of Law has a reputation for scholarship and teaching that few institutions in the world can rival, and to which an impressive publications record and catalogue of legal achievement is testament.

Over the decades many of its luminaries also established enviable reputations for personal attributes in addition to their academic achievements. But time passes inexorably and memories fade, and eventually those of us outside this window of personal experience are left only with their written works and second-hand impressions. So much of this personal history vanishes with them for ever, and with it irreplaceable, esoteric aspects of the Faculty’s legacy.

We first became aware of the richness of this ephemeral resource during the years when one of us shared a room with the remarkable nonagenarian, the late Emeritus Professor Kurt Lipstein (died 2006). This determined us to capture and preserve for posterity memories and anecdotes he had accumulated over a seventy year association with the Faculty and the Squire Law Library. Uniquely, he seems to have been the only person to have worked in all three of their manifestations: Downing Street, the Old Schools and West Road.

Insights provided by this spoken historical material prompted us to embark on a long-term project to capture similar personal recollections from other living eminent scholars, and with the support, encouragement and facilities provided by David Wills, Squire Librarian, as well as Andrew Gerrard and his Computing Services team, the Eminent Scholars Archive (ESA) was born.

This is a new resource on the Squire Law Library website and it brings together collections of oral, written and photographic material as a series of tributes to the academics who have graced the Faculty and enriched it in unexpected ways beyond their obvious scholastic achievements. To date (early 2008) the following scholars have been interviewed (date of first association with the Faculty in parenthesis): late Professor Kurt Lipstein (1934), Mr Mickey Dias (1939), Professor Sir Derek Boveett (1948), Professor Peter Stein (1947). We are currently in the process of interviewing Professor Sir Bob Hepple (1963) and Professor Sir Elihu Lauterpacht (1945). Professor Tony Jolowicz (1947) has also agreed to take part.

Photographs (top to bottom): Mr R W M Dias at his home in March 2007; Sir Arthur Lehman Goodhart (left) with HRH the Duke of Edinburgh at University College Oxford in 1958; Professor Kurt Lipstein at his home in Cambridge in 2006

One aspect that struck us forcibly was the dominant influence of the Second World War in the early lives of the oldest members of our academic community. Not only did it have a profound effect on individual scholars, who were relatively young and embarking on their careers, but it also had a major influence on the workings and social fabric of the Faculty. Reminiscing through a lapse of sixty years (or more), these veterans of both the war and subsequent peace revealed a complex tapestry of events and consequences on which modern generations can only ponder, and be grateful for being spared. These captured memories are now an integral part of our institution’s heritage, permanently recorded in the voices of the participants.

As time passes, the window of memories will move along and we will build up a resource which encapsulates the careers of successive illustrious scholars and includes items of both personal and legal interest. Areas of the latter already included are Conflict of Laws, Comparative Law, Public International Law, Roman Law, Legal History, Jurisprudence, Tort and Labour Law.

In an expansion of the original concept, we have also included a succinct account of the establishment of the position of Arthur Goodhart Visiting Professor. It lists the various incumbents, and from 2008 we plan to interview briefly each new appointee, both at the beginning and end of their tenure.

Recently, the third stage in our ESA strategy to preserve permanently these aspects of the Faculty history - acquisition, public presentation and long-term storage - has been realised with the placing in the University D-Space of the interviews (www.dspace.cam.ac.uk/). The whole archive will progressively be placed herein to complete the logical sequence.

Naturally, second-phase activities have received most attention, because it is here that Squire Library readers and users can come face-to-face with the Eminent Scholars (so-to-speak!). One aspect of this that is worthy of special mention is that the Squire was fortunate to acquire (from his family and via Clare College) the papers of our original Eminent Scholar, Kurt Lipstein. With a generous grant from the William Senior Fund at Clare College, these were archived and catalogued and are now available for inspection by approved researchers on the third floor of the library, and the detailed catalogue (prepared by Dr Richard Flower of Sidney Sussex) can be referenced through the Janus Portal (http://www.squire.law.cam.ac.uk/eminent_scholars/the_janus_archive.php). If we acquire similar, physical materials in the future, we will treat them in an appropriate fashion.

Finally, to tie the transcripts of all the interviews and photographic material in the ESA together, a spreadsheet-based index that allows cross referencing, is being constructed.

Since the website went “live”, there has been a gratifyingly strong interest, and from April 2007 it has been the second most-visited of the Squire Law Library’s web pages (34,670 hits, or 21% of the total).

www.squire.law.cam.ac.uk/eminent_scholars/

Lesley Dingle, Daniel Bates and Matt Martin
THE EUROPEAN LEGAL DEVELOPMENT PROJECT

Can private law adapt effectively to meet the challenges of social change? What influences the adaptations the law makes? Does the law adapt of its own motion, or does it need pressure from the outside?

The European Legal Development project, run by Professors John Bell and David Ibbetson and funded by the Arts and Humanities Research Council, has been looking at these questions over the past three years. The funding of £154,000 (plus two studentships) has enabled it to bring together some 70 academics from 10 different jurisdictions, and will lead to the publication of eight volumes of collected essays plus an overview book.

Obviously, the topic of how legal systems develop is very broad and, to make it manageable, the project narrowed its focus to one major branch of the law: liability for harm caused to others by fault. Liability for fault between 1850 and 2000 provides a good area to show the development of private law. The basic principles of liability are very old. In most continental European systems, they go back to lex Aquilia; in England, they date back to the fourteenth century. The issue is how well they have coped with modern problems. Around 1850, there were many similarities in approaches to liability for fault across the legal systems of Western Europe. But since then, there has been significant divergence.

Stage one: case studies

As a first stage, the project developed six case studies focusing on the technological change (exploding boilers, sparking from trains, and asbestos), liability between neighbours, liability for traffic accidents on rail and road, liability for products, medical liability, and the writings of legal academics trying to set out the principles of this developing law. These case studies have highlighted a number of trends in the law. First, victims of accidents gradually found it easier to obtain compensation because the burden of proof was often shifted onto the person causing the injury or because liability no longer depended on proof of fault. Secondly, simpler and less expensive compensation systems were created outside private law. For example, employees were the major victims of boiler and railways accidents, but they rarely gained compensation through private law. Instead, the State created insurance-based workmen’s compensation systems. In Germany, Sweden and France, insurance-based schemes have also replaced private law for most road accidents, and Sweden and France have now adopted similar schemes for medical injuries. Thirdly, despite the arguments of some authors in the law and economics tradition, private law plays a minimal role in incentivising accident prevention. Other forms of regulation have instead had more impact in reducing the incidence of harm, such as State regulation of, for example, the siting of boilers, buildings or crops or in determining who may practice as a doctor.

Stage two: influences on legal development

In a second stage, the project sought to examine factors that have shaped legal development in the fields examined in the first stage studies. Certain legal institutions, such as law reform bodies, have been important in fostering change in the law. But these bodies have depended on key individuals within the legal professions who have promoted change, typically by persistence over many years. The government often promotes legislation in response to a recent prominent crisis or disaster, and at such moments proposals that are already formulated are often seized upon. A second area of enquiry was the extent to which the law reflects developments in social and political ideas. Sometimes, there is a clear connection. For example, the French social theorist Durkheim influenced key French legal writers of the late nineteenth century, such as Duguit and Saleilles, to argue that the law should provide compensation out of social solidarity with those who were injured, rather than focusing simply on whether a responsible individual was at fault. But in other areas, it was the opinions of specialist technical experts that shaped the law rather than a broad movement of opinion or ideas, eg on the law governing asbestos.

Changes in the economy clearly have an impact on law – economic change generates new problems which the law has to solve. But it is less clear that the pattern of solutions directly responds to economic interests. For example, though Germany and France introduced insurance-based compensation for road accidents, England did not, even though economic conditions and the availability of insurance are similar. Similar economies do not necessarily adopt similar legal solutions.

The overall result is that the law operates with a kind of relative autonomy from major currents of ideas and economic and social drivers.

The project brought together eminent scholars and early career researchers. Regular meetings and interactions through the website have built up a network of researchers which can continue long after the project itself. Its way of working provides a model for how national scholars can be supported and developed in an international context in the law.

Project websites

General: http://eld.law.cam.ac.uk
Wider public: www.findingfault.co.uk

Professor John Bell
The Centre for European Legal Studies (CELS) has continued its wide range of activities, bringing together the academic community, opinion-formers and the professions to reflect on current legal issues within Europe.

The year’s most high-profile event was the Mackenzie-Stuart Lecture, which this year – as described on page 1 – was given by the Lord Chancellor and Minister of Justice the Rt Hon Jack Straw MP. Having attracted a large audience in Cambridge, the lecture was then published in full on the Ministry of Justice website and as a webcast on the CELS website (http://www.cels.law.cam.ac.uk/events/mackenzie-stuart_lecture.php).

Later this year a revised version will appear in the Cambridge Yearbook of European Legal Studies. A visit by a senior Minister requires a great deal of work, and we should record our gratitude not only to our own team in the form of Catherine Barnard and Catherine Bedford, but also to the whole administrative staff of the Faculty, all of whom were heavily involved.

Our bread and butter is the lunchtime seminar series which continues to attract a good variety of speakers and large audiences, especially from among the LLM Community. Topics ranged from prohibited grounds of discrimination under EU Law and the ECHR (Nick Bamforth), to negotiating the Services Directive (Joanna Flower) and problems of transborder evidence (John Spencer). Revised papers presented at the seminars have been published in the Cambridge Yearbook of European Legal Studies, Volume Nine (2006-7), which is now available from Hart Publishing. Volume Nine has been redesigned and is the largest volume to date.

The lunchtime seminars are supplemented by so-called ‘brown bag’ lunches, where colleagues working in the EU field can present work in progress. Their work is subsequently published in leading journals.

CELS has also hosted a conference on the outer limits of EU Law. Speakers presented a range of papers examining the limits of judicial and legislative intervention in national law in light of cases such as Keck, Weigel, Viacom et al. The idea behind the conference was to ask participants to consider the extent to which the Court’s interpretation of the Treaty has gone too far, not gone far enough, or whether the Court has the balance just right. Within this, there is the question of whether the Court should deal with issues at the jurisdictional stage, and thus exclude various activities from the scope of the Treaty, or at the justification stage, thus subjecting a greater range of activities to proportionality review. The papers will be published as an edited book at the end of 2008.

CELS continues to benefit from its relationship with the legal firm Shearman & Sterling LLP. They support the lunchtime seminar programme and the Mackenzie-Stuart Lecture. They also organise an annual negotiation game for second year students which CELS hosts and is prepared and judged by members of Shearman & Sterling. The event was a great success and clearly filled a gap in the Faculty’s extra-curricular activities. Students also benefit from a trip to the EU institutions.

website: www.cels.law.cam.ac.uk

John Spencer
Co-Director, CELS

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The Centre for Corporate and Commercial Law (3CL) has recently welcomed a number of guest speakers for its occasional seminar series. Professor Mark Roe of Harvard Law School, who visited the Faculty under the auspices of the Herbert Smith visitor scheme, gave a paper entitled ‘Political Instability and Financial Development’. In this seminar, Professor Roe presented a fascinating and thought-provoking view on political stability as a determinant of financial development around the world.

Dr Markus Roth, a visitor to the Faculty through its link with the Max Planck Institute gave a seminar entitled ‘Transatlantic Principles of Directors’ Duties and Insurance’. Dr Alexander Schall of Philipps-Universität, Marburg gave a seminar entitled ‘Changes in Creditor Protection - A New Theory of Limited Liability Emerging?’. The two seminars demonstrated clearly the vibrant state of company law scholarship in Europe at the moment, with scholars in different countries increasingly drawing upon comparative insights to enrich and develop their work.

The 3CL is a member of Cambridge Finance, an umbrella organization that co-ordinates the programmes of research and study in all areas of finance across the University of Cambridge. In April 2008, the 3CL and the Centre for Financial Analysis and Policy, based in the Judge Business School, will host a joint Cambridge Finance conference on Principles versus Rules in Financial Regulation. The conference, which will be reported on more fully in a later issue of LawLink, will bring together scholars and regulators from Europe and North America to discuss key issues in contemporary banking, securities and insurance regulation and in accounting.

Members of the 3CL working in the corporate law area have over the past year been formulating plans for a new LLM course focusing specifically on corporate topics. Substantial progress has been made thus far and we hope to also provide more details on this in a future edition of LawLink.

website: www.3cl.law.cam.ac.uk

Elis Ferran
Co-Director, 3CL
The Cambridge Forum for Legal and Political Philosophy (CFLPP) continued to run its monthly seminar and public lecture series during the 2006-7 academic year. The main event of the year, however, was a major international Symposium on ‘The Legacy of H L A Hart’ at Churchill College, Cambridge. Organized by the CFLPP, and with generous sponsorship from the British Academy, the Symposium proved extremely popular, attracting 260 registrants and more than 60 people on a waiting list (who, alas, had to remain there). It was the largest gathering of legal and political philosophers ever held in the UK.

The Symposium marked the centenary of the birth of H L A Hart. Hart was the foremost legal philosopher and one of the foremost political philosophers of the twentieth century, and his writings remain immensely influential to the present day. As the title of the Symposium suggests, the speakers were encouraged to focus even more on Hart’s legacy than on Hart himself. One of the key aims of the Symposium was to cover all the areas in which Hart made major philosophical contributions: general jurisprudence (especially legal positivism); criminal responsibility and punishment; theories of rights; theories of justice; causation in the law; and toleration and liberty.

The Symposium brought together sixteen of the world’s leading legal and political philosophers, who were apportioned among seven panels (two of which were on the theme of general jurisprudence). The speakers, four of whom conducted their doctoral research under Hart’s supervision, were:

**General Jurisprudence:**
- John Finnis (Oxford/Notre Dame),
- David Lyons (Boston University),
- Sir Neil MacCormick (Edinburgh),
- Jeremy Waldron (NYU),
- Wilfrid Waluchow (McMaster)

**Criminal Responsibility:**
- Antony Duff (Stirling),
- John Gardner (Oxford)

**Theories of Rights:**
- Hillel Steiner (Manchester),
- Leif Wenar (Sheffield)

**Theories of Justice:**
- Brad Hooker (Reading),
- Philip Pettit (Princeton)

**Causation in the Law:**
- Judith Jarvis Thomson (MIT),
- Richard Wright (Chicago-Kent)

**Toleration and Liberty:**
- Leslie Green (Oxford/York [Ontario]),
- Susan Mendus (York [England]),
- Alan Ryan (Oxford)

We were pleased that Baroness Onora O’Neill (the current President of the British Academy) not only opened the Symposium with some general remarks, but also chaired the panel on ‘Theories of Rights’. The other chairs were Trevor Allan (Cambridge), Claire Grant (Warwick), Antony Hatzistavrou (Hull), Tony Honoré (Oxford), Serena Olsaretti (Cambridge), and Quentin Skinner (Cambridge). The involvement of Tony Honoré, who worked alongside Hart for many years, was of particular delight.

By any reasonable standards, the Symposium was a great success - with at least three delegates from every continent except Antarctica. Particularly noteworthy were the substantial contingents of people from South America, Eastern Europe and the Far East. The geographical diversity of the participants is indicative of the global scope of Hart’s legacy. A number of distinguished philosophers were in the audience, but there were also many younger academics and postgraduate students; approximately 35% of the delegates were doctoral students (most of whom paid no registration fees, because the CFLPP provided bursaries out of its general funds). A handful of legal practitioners were also present. One of those practitioners, Stephen Hockman QC, asked a particularly incisive question during the session on ‘Theories of Justice’.

The proceedings were recorded aurally in full, and one of the Symposium organizers, Ben Colburn, took numerous digital photographs during the panels and during the breaks. Many of those photographs can be viewed on the CFLPP website under ‘Past Events’.

Every paper was of a very high quality and a collection of essays derived from the Symposium and edited by Matthew Kramer, Claire Grant, Ben Colburn and Anthony Hatzistavrou will be published by Oxford University Press in Autumn 2008.

The success of ‘The Legacy of H L A Hart’ Symposium was reflected in the dozens of laudatory messages that were received for 3-4 weeks afterward. The following comment from an Irish delegate is representative: “I am writing to thank you for your impeccable organisation of the conference and for your (and Churchill College’s) hospitality. An event of such magnitude and quality requires a huge amount of work; the papers, the presentations, the questioning and the informal discussions all matched the effort put into preparing the event. Congratulations on this and, again, thank you.”

**website:** www.cflpp.law.cam.ac.uk

Matthew Kramer
Director, CFLPP

H L A Hart Symposium sessions generated great discussion and debate, much of which was continued, with relish, over lunch.
The Lauterpacht Centre for International Law has enjoyed another year of high activity. The Centre’s core programmes continued as strongly as ever, with the lectures in particular drawing large audiences and continuing to attract speakers of great renown across the international law spectrum. This year’s Hersch Lauterpacht Memorial Lectures were given by Mr Ralph Zacklin, former Assistant Secretary-General for Legal Affairs at the United Nations on ‘The UN Secretariat and the Use of Force in a Unipolar World’. This year’s Snyder Lecture, which for once coincided with the visit of this year’s Snyder Scholar, was delivered at the Centre by Hannah Buxbaum, Associate Dean for Research and Professor of Law at Indiana University School of Law on ‘National Jurisdiction over Global Business Networks’. The Centre also continued, on ‘Function of Law in the International Community’, with a number of eminent speakers and participants from the field of international law. The anniversary coincides with the 80th birthday of our founder, Professor Sir Elihu Lauterpacht, who will be honoured at a formal dinner in the Hall, Trinity College. Guest speakers are Rosalyn Higgins and Stephen Schwebel, who both studied at Cambridge and went on to become Presidents of the International Court of Justice.

Eli Lauterpacht founded the Centre in 1983. It moved in 1985 to its current premises at No 5 Cranmer Road and a new wing was added to the building in 1996, which houses the Finley Library and the Snyder Study Room. In 2002 the Centre acquired the adjoining house and garden at No 7 Cranmer Road which has been refurbished into lecture and conference facilities and accommodation for visiting fellows. Over the 25 years the Centre has hosted more than 250 visiting fellows.

In 1996 the University of Cambridge renamed the Centre the ‘Lauterpacht Centre for International Law’ in honour of both Sir Hersch (Whewell Professor, 1938-1954) and Sir Elihu Lauterpacht.

The Centre has been able to develop into what it is today due to the vision of Sir Elihu Lauterpacht and its many generous benefactors. No 5 Cranmer Road was purchased with the generous financial support of the Lauterpacht family, Dr Earl Snyder and Mr Edward St George. For the new wing in 1996, particular thanks is due to Mrs Julie Finley and Dr Earl Snyder. No 7 was purchased with generous support from the Governments of Bahrain and Malaysia and of Trinity College, Cambridge.

The general theme of the 25th seminar, ’The Function of Law in the International Community’, was chosen to mark the 75th anniversary of Hersch Lauterpacht’s seminal work (1933). The sole formal paper at the Conference will be presented on this theme by Professor Martti Koskenniemi, Goodhart Professor at the Faculty for the 2008-9 academic year. A plenary session will take place on the Friday, followed by six interest group sessions on the morning of Saturday 12 July. A further plenary session is scheduled for the Saturday afternoon where it is envisaged that the rapporteur from each interest group will briefly summarise the debate in their group and attempt to draw their own conclusions. All five Directors of the Centre (Eli, John Dugard, Daniel Bethlehem, Charlotte Ku and James Crawford) will attend.

The Lauterpacht Centre will be celebrating its 25th Anniversary in July. Events include a variety of conference sessions on the ‘Function of Law in the International Community’ with a number of eminent speakers and participants from the field of international law. The anniversary coincides with the 80th birthday of our founder, Professor Sir Elihu Lauterpacht, who will be honoured at a formal dinner in the Hall, Trinity College. Guest speakers are Rosalyn Higgins and Stephen Schwebel, who

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More than 40 visiting fellows and scholars from around the world came to the Centre to further their research. Visitors range from junior academics to eminent and established researchers and practitioners.

We are enormously grateful to all the speakers and contributors to this year’s lectures and activities who help make the Centre such a vibrant and intellectually stimulating environment.

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One of the highlights for the Centre for Public Law in 2007 was a conference on ‘Extreme Speech and Democracy’ which took place on 21-22 April. Panel discussions looked at issues including the restriction of expression inciting racial and religious hatred, the glorification of terrorism, Holocaust denial and media regulation. As well as a keynote speech from Lord Goldsmith QC, the conference attracted a wide range of international scholars including Professors Robert Post (Yale), Eric Barendt (UCL) and Dieter Grimm (Humboldt University of Berlin). The panel discussions presented diverse views on the attempts to regulate extreme speech and the impact of such laws on freedom of expression. The papers from the conference will be published by OUP in a collection edited by Ivan Hare and Professor James Weinstein.

Another high point of the year was the Seventh Sir David Williams Lecture, delivered on 11th May 2007 by the Hon Mr Justice Arthur Chaskalson, Retired Chief Justice of South Africa. Speaking on ‘The Widening Gyre: Counter-Terrorism, Human Rights and the Rule of Law’, Mr Justice Chaskalson drew on his experience of South African security legislation in the apartheid era in developing a critique of contemporary legislative responses – most notably in the United Kingdom and the United States of America – to the so-called war on terror. He expressed concern that “[t]errorism and counter-terrorism are threatening the fabric of our societies, and place the international commitment to human right and fundamental freedoms in jeopardy”, arguing that if such risks are to remain unrealised, legislators and civil society – as well as courts – must play their part in protecting the rule of law. Mr Justice Chaskalson’s lecture, which was mentioned with approval by Lord Bingham in the recent control order case Secretary of State for the Home Department v. MB [2007] UKHL 46, was published in the Cambridge Law Journal at [2008] 67 CLJ 69.

In May 2007, the Centre hosted a talk by Justice Gopal Sri Ram of the Malaysian Court of Appeal, entitled ‘Religion and the Malaysian Courts - Recent Developments’. The talk addressed a number of issues concerning freedom of religion, and gave a fascinating insight into the particular issues arising in relation to the interaction in this context of regular and Sharia law in Malaysia. The talk covered both the Lina Joy case (consent of Shariyah Courts required to convert from Islam) and the litigation over wearing religious dress in schools. The seminar was well-attended, and attracted a number of undergraduate students as well as graduates and Faculty members.

On 9th May 2007 the Centre, jointly with the Lauterpacht Centre for International Law, hosted a lecture given by the Hon Michael Black AC, Chief Justice of the Federal Court of Australia entitled ‘Human Rights without a Bill of Rights?’ The lecture gave a stimulating account of how rights could be and were protected in Australia. In part this was through the protections implied by the structure of the Australian Constitution (in particular though the separation of the judicial and executive powers) and in part through the protection of the common law itself.

The Public Law Discussion Group, convened by Professor Trevor Allan, continued to provide a forum for faculty and graduates students to hear and comment on work from a range of scholars. Professor James Weinstein (Arizona State University) presented a paper on ‘Hate Speech and Democracy’. Professor Matthew Palmer (Victoria University of Wellington) gave a seminar entitled ‘The Languages of Constitutional Dialogue: Constitutional Realism about Judges and Politicians’, connected with his forthcoming book on the Treaty of Waitangi in New Zealand’s law and constitution. Dr David Bilchitz gave a paper entitled ‘Socio-Economic Rights: Making Fundamental Rights Work for the Poor’, drawing on the themes from his recent book Poverty and Fundamental Rights (OUP, 2007). Dr Bilchitz gained his PhD from Cambridge under the supervision of Professor Christopher Forsyth and is now a Senior Researcher at the South African Institute for Advanced Constitutional, Public, Human Rights and International Law. Most recently the group heard a stimulating talk from Mr Nick Barber (Oxford) on ‘Constitutional Conventions that become Laws’.

The Centre continued its programme of lunchtime workshops for PhD students. Papers were presented by Jessie Hohmann on the ‘International Legal Approaches to Inadequate Housing’, Matthew Lewans on ‘Rethinking the Diceyan Dialectic’, Emma Waring on ‘Private Bodies, Public Powers, and Compulsory Purchase’ and Lulu Matakala on ‘Rethinking Zambian Inheritance Law in the Light of International Human Rights Law’. The series provides a valuable opportunity for graduate students to discuss their work with faculty members, visitors and other research students.

Some changes were made to personnel of the Centre, with Mark Elliott standing down as Assistant Director of the Centre to take up his post as Academic Secretary of the Faculty and Jacob Rowbottom becoming an Assistant Director. The Centre also welcomed Anat Scolnicov (Lucy Cavendish College), who joined as Deputy Director in January 2008.

The Centre has a number of events planned for 2008. In January, we held a colloquium on prerogative power and colonial governance, focusing on the Chagos Islands cases. The Centre will also co-host two international conferences. The first, in Jerusalem with the Sacher Institute focusing on judicial independence. The second, with the Chinese University of Hong Kong on comparative administrative law in December in Hong Kong. Further details of all our events can be found on the CPL website.

website: www.cpl.law.cam.ac.uk

Jacob Rowbottom
Assistant Director, CPL
Now in its third year, the Centre for Intellectual Property and Information Law (CIPIL) has continued to bring together researchers, practitioners, and students to explore interesting and controversial aspects of Intellectual Property.

The highlight of the year was the comparative conference ‘Trade Secrets’ on 17 March 2007. The conference has become an annual event, appealing to academics and practitioners alike. This year, speakers reviewed developments in breach of confidence and their likely implications for commercial secrets; a topic often overlooked given that recent significant cases concern clashes between newspapers and celebrities. Speakers included Richard Arnold QC, Gavin Phillipson (Durham), Alan Dignam (QMUL), Matthias Leistner (Max Planck Institute, Munich), Harald Irgens-Jensen (Oslo University), David Bailey (KCL), Francis Gurry (WIPO), Lucy Vickers (Oxford Brookes), Christopher Wadlow (UEA), Robert Burrell (University of Queensland) and CIPIL member Angus Johnston who, with Matthew Conaglen, presented ‘Remedies for Misuse of Trade Secrets’. The event was chaired by Professor Sir Hugh Laddie.

Another highlight was the Second Annual International Intellectual Property Lecture at Emmanuel College (funded from the Herchel Smith bequest), which was given by Professor Brad Sherman (University of Queensland). In the lecture, entitled ‘Taxonomic Property: Intellectual Property and Plants’, Professor Sherman discussed the place of plant protection within intellectual property law, highlighting in particular the relationship between the form of protection and the issue of describing and defining the subject matter. Professor Sherman explained that plants were excluded from patent protection not because they were considered products of nature but because of these difficulties of description. From that point, Professor Sherman elaborated on the significant role that taxonomic classification came to play in defining intellectual property, thereby emphasising the impact the science of taxonomy had made on the protection of plants and the parallel between legal and scientific taxonomic practices.

In April 2007, CIPIL hosted a plenary meeting of the Witten Project at Emmanuel College, bringing together an international group of scholars to work on a European copyright code. Continuing discussions on copyright, CIPIL organised an interdisciplinary workshop in July 2007 on the theme of infringement of copyright, with informal papers from William St Clair (Trinity), Georgina Born (Anthropology/Music), Loraine Gelthorpe (Criminology) and Catherine Seville (CIPIL). The interdisciplinary contributions made for a stimulating day, and the attendees have decided to meet again in 2008 to look at piracy and copyright. The contributions to the 2006 workshop on trade marks will be published in 2008 in Bently, Davis and Ginsburg (eds), Trade Marks and Brands: An Interdisciplinary Critique (Cambridge University Press).

Members of CIPIL also accepted a number of invitations to speak outside Cambridge. Chief amongst these was Professor Lionel Bently’s Manges Lecture at Columbia University in April 2007. He spoke on ‘The People versus The Author: From the Death Penalty to Community Service’, counterpointing claims that an ideology of authorship has been a primary cause of copyright’s expansion, and arguing that the authorship construct could operate as an important constraint on such expansion. He was also the Yong Shook Lin Visiting Professor at National University of Singapore in August and September, and spoke at conferences and workshops at UCLA, Fordham, NYU, Montpellier, Kanazawa, Bayreuth and Bergen, as well as LSE, Queen Mary IPRI and the AIPPI. Back in Cambridge, Professor Bently presented a lecture in the esteemed Darwin lecture series on ‘Identity and Law’. Patricia Akester presented a paper entitled ‘Technological Accommodation of Conflicts Between DRM and Free Speech: Methodological Issues’ at the Association Littéraire et Artistique Internationale Congress, Punta de Este, 2007 (created in 1878, by la Sociétés Gens de Lettres, with the main objective of protecting literary and artistic copyright).

CIPIL members continued to make a substantial contribution to the analysis of IP history. Dr Isabella Alexander published on ‘Criminalising Copyright: A Story of Publishers, Pirates and Pieces of Eight’ in the Cambridge Law Journal, Dr Seville on ‘From Pirates to Eagles: America’s changing view of copyright’ in the European Intellectual Property Review and a chapter on Edward Bulwer Lytton in Victorian Literature and Finance edited by Francis O’Gorman. Professor Bently also published on ‘Copyright, Translations and Relations Between Britain and India in the Nineteenth and Early Twentieth Centuries’ in the Chicago-Kent Law Review.

There were some notable contributions on contemporary IP issues. Dr Patricia Akester published A Practical Guide to Digital Copyright Law (Sweet & Maxwell), Dr Seville published an entertaining case note on copyright in perfumes in the Cambridge Law Journal and Dr Kathy Liddell contributed to an article on the regulation of genetic diagnostics in the Food and Drug Law Journal and continues to work on intellectual property issues faced by the industry. CIPIL’s Report for the Treasury on Copyright Term Extension (2006) continued to attract attention and discussion, as the record industry took its fight for a longer copyright term to the European Commission. At the end of 2007, CIPIL conducted a further study for the Treasury on the Charging Policies of Trading Funds. We are immensely grateful to Professor David Newbery and Rufus Pollock from the Economics Faculty for their contributions to this project.
Alongside these activities, the Centre welcomed a number of visiting research scholars including Robert Burrell (University of Queensland) working on trade mark law and policy, Justin Malbon (Griffith University) on TRIPS, Susannah Leung (NUS) on the criminalisation of copyright, and Pertainment (Helsinki) on the patentability of computer-implemented inventions. CIPIL also maintained a busy teaching programme for undergraduates and graduates. Among 100 students read the Tripos paper and another thirty or so read IP and International IP at the LLM level. Two of our undergraduates, Douglas McMahon (Jesus College) and Harry Bacon (Christ’s College) participated in the International Intellectual Property Moot at Oxford, narrowly missing a berth in the semi-finals. Harry was awarded a special prize for advocacy. In the PhD program, Sharon Legall approached the completion of her thesis on the ownership of the Steel Pan as a cultural signifier, and Chikosa Banda made steady progress investigating incentive mechanisms for research into neglected diseases. Eleanor Cooper breezed through her first year paper on the history of the 1862 Fine Art Copyright Act, and Patrick Masiakurura arrived to work on copyright in unpublished works. Students taking International IP were treated, as in past years, to a variety of guest lectures. The line-up this year included Sven Bostyn (University of Amsterdam), Trevor Cook (Bird & Bird), Martin Senftleben (then WIPO, now University of Amsterdam), Annette Kur (Max Planck Institute), Valérie Laure Bernabou (University of Paris), Thomas Dreier (University of Karlsruhe) and Raymond T Nimmer (University of Houston). Ian Craig (a partner at Field Fisher Waterhouse) also made a valuable contribution to our LLM IP program, running tutorials with an imimical practical style.

In the new academic year we commenced a Lunchtime Seminar series on the philosophy of intellectual property with Dr Alex Oliver and Laura Biron from the Philosophy Faculty. We are also working towards two conferences: one concerning trade mark dilution, the other on copyright history. So 2008 is shaping up to be another vibrant year.

website: www.cipil.law.cam.ac.uk

Kathy Liddell
Acting Director, CIPIL

CENTRE FOR TAX LAW (CTL)

The Centre for Tax Law’s main focus of activity for 2007 has been its annual programme of workshops. Adjusting to the modern world, those attending the workshops now register online via the CTL website. Thanks for this go especially to Mark Bowler Smith - one of our PhD students and a holder of a British Academy Award - and also to the computer staff in the Law Faculty whose contributions to the continued success of both CTL and the Faculty itself are so important.

The success of the workshops is due to many causes. One is the quality of our speakers; another is the quality of our participants, whether from the world of practice or of government or from our universities. It has been very interesting for us this year to welcome more participants from the Treasury alongside our continuing and very welcome friends from Revenue and Customs. In this connection we should record that our own research and LLM students have also played their roles well and, like so many of their predecessors, they too have the capacity to be leaders.

It was, therefore, very appropriate that our list of speakers for 2007 began with one of our former LLM students. Professor Dr Martin Wenz combines practice with being Professor at the Hochschule in Valdus, Liechtenstein and he talked about ‘Tax and Business in Liechtenstein’. In February Professor Dr Guglieilmo Maisto, one of Italy’s most distinguished tax practitioners, talked about issues in Italy. In March Professor Dr Daniel Gutmann from Paris talked, at our suggestion, on ‘Anti-avoidance Doctrines in French Tax Law’ - a title, he claimed, that only a common lawyer could have suggested! In May Marjorie Kornhauser from the University of Arizona and previously the University of Tulane talked about issues in American family tax under the title ‘Tax Design and Tax Credits: Taxing the Family’.

After the summer break we resumed in October with Professor Richard J Vann, Challis Professor of Law University of Sydney, who considered aspects of the UK’s ‘half-hearted’ proposals to move to an exemption system. Richard had just completed a year as the William K Jacobs Jr Visiting Professor at Harvard Law School. In November Professor Dr Wolfgang Schön, Director of the Max Planck Institute for Intellectual Property Law, Competition and Tax Law, Munich, gave us insights into the taxation of capital gains in Germany. In December our own Professor Graham Virgo talked about the law of trusts to a rapt and attentive group in the Old Hall at Queens’.

Overall there is every reason to believe not only that we had most enjoyable and intellectually profitable days but that we had made significant contributions to the dialogue which surrounds the formulation of tax policy.

July 2008 will see the fourth Tax Law History Conference, which will be held at Lucy Cavendish College.

Website: www.ctl.law.cam.ac.uk

John Tiley
Director, CTL
THE INSTITUTE OF CRIMINOLOGY

Colloquium in honour of Professor Sir Anthony Bottoms

On 30 November 2007, the Institute of Criminology, together with colleagues from Sheffield University, hosted a colloquium in honour of European Criminologist of the Year Professor Sir Anthony Bottoms and marking his retirement. It was indeed a momentous occasion, with one hundred and twenty guests attending the series of lectures on the subject ‘What is Criminology?’. Professor David Feldman welcomed the ensemble to the Faculty of Law and Professor Friedrich Lösel began the proceedings by announcing the renaming of the Institute’s boardroom, now to be known as the ‘Sir Anthony Bottoms Room’.

Sir Anthony opened the Colloquium with a paper on ‘Criminology as Social Science and as Jurisprudence’ and Professor Per-Olof Wikström followed by emphasising ‘The Importance of Asking Why and How – Towards an Analytical Criminology’. After a short break, Professor Richard Sparks picked up the thread with a talk on ‘The Role of Social Theory in Criminology’. Lively discussion continued over lunch, at which Professor Lawrence Sherman spoke of Sir Anthony’s significant impact on the policing of this country through his teaching and dedicated encouragement of the MSt programmes in policing and penology.

The afternoon started with a paper on ‘The Role of Normative Theory in Criminology’ by Professor Andrew von Hirsch, followed by Professor Joanna Shapland on ‘Desistance From Crime and the Potential Role of Restorative Justice’. Finally, Professor Alison Liebling addressed the audience on the subject of ‘The Role of Empirical Research: Legitimacy in Prisons’. A book will be published in 2008 with a collection of essays developed from the day’s proceedings and one or two additional commissioned essays on aspects of Professor Bottoms’ work. It will be edited by Professors Liebling, Shapland and von Hirsch.

The presentations sparked further conversation over drinks before nearly a hundred of Sir Anthony’s colleagues, former colleagues and students, friends and family joined him at Fitzwilliam College for a buffet dinner. Joanna Shapland, Richard Sparks and Friedrich Lösel spoke of Sir Anthony’s career and outstanding contribution to the study of and research in criminology. He responded by presenting his Diploma in Criminology to the Institute. Dating from 1961, it is one of the first of its kind, and Sir Anthony was keen to point out that later diplomas, even those from a few years later, were not as ornately decorated! The Diploma has since been displayed in the Institute’s newly named Sir Anthony Bottoms Room.

The day ended with a light-hearted ‘Ode on the Retirement of Sir Anthony Bottoms’, written and recorded by Professor Mike Levi from Cardiff, which summed up Sir Anthony’s wit, personality, and most of all his determination to weed out nonsense from criminological discussion.

Julia Monument

Evidence in the Courtroom

In September 2007 a two-day conference was held at the Institute of Criminology, entitled ‘Evidence in the Courtroom: Possibilities and Challenges, Validity and Value’. It was organised jointly by Dr Loraine Gelshorpe and Dr Katrin Mueller-Johnson at the Institute of Criminology, and by the Centre for Research in the Arts, Social Sciences and Humanities (CRASSH). The conference brought together academics and practitioners from different fields: academic lawyers, sociologists, psychologists, psychiatrists and linguists as well as practitioners from, for example, the Magistrates’ Bench and the police.

The novelty of this conference was the opening-up of discourse between areas of law, criminology, and forensically applied sciences that overlap in their application and area of study, yet are typically investigated and discussed in separate academic spheres. Presentations and discussions looked at evidence at different levels of aggregation of evidence: the process of assessing the evidence of an individual witness; the testimony of experts (eg probation officers, psychologists, psychiatrists, fingerprinting/ DNA experts), and on a more institutional level the narratives and processes involved in making sense out of the evidence in which judges and courts are typically engaged.

Another aim of this meeting was to contrast and bring together knowledge from disciplines that have long investigated witnesses’ evidence using rigorous methodological approaches such as eyewitness psychology, with areas where the empirical knowledge is still building such as for earwitness evidence, or the decision-making of finger-printing experts. Issues concerning the accuracy of evidence on an individual witness level were raised in talks on the consistency of eyewitness statements (Dr Mueller-Johnson, Institute of Criminology), and on the difficulties of assessing earwitness evidence from the perspective of a forensic linguist (Professor Francis Nolan, Department of Linguistics). The effects of psychological trauma on truth were discussed by psychiatrist Dr Andrew Cooper of the Tavistock Institute, London.

The topic of evidence given by professionals in court was introduced by a paper by Dr Loraine Gelshorpe, which examined pre-sentence reports, while the experience and duties of being a psychological or psychiatric expert witness were discussed by Professor Friedrich Lösel and Dr Adrian Grounds. The legal perspective on expert witnesses was provided by Professor John Spencer.

In another set of sessions the decision-making processes of finger-printing experts, although virtually unchallenged in court, were revealed to be fallible by psychologist Dr Itiel Dror from Southampton University. The myths and realities of the use of DNA evidence were discussed by Dr Carole McCartney of Leeds University, Dr Steven Carnmish of the University of Leicester highlighted communication processes and difficulties throughout the trial; and narratives that judges engage in when trying to make sense of evidence in sentencing were elucidated by Professor Waagenaar from the University of Leiden. The conference closed with a panel headed by Nicky Padfield of the Faculty of Law, leading a practitioners’ discussion of themes arising from the conference.

Katrin Mueller-Johnson and Loraine Gelshorpe
Adolescents and young adults - the Peterborough Development Study (PADS+)

The Institute of Criminology is highly active in terms of research and is home to four Research Centres including the PADS+ Research Centre (originally the SCoPiC Research Centre, established in 2002 with an ESRC grant of £2.3 million). The Centre is led by Professor Per-Olof Wikström, Professor of Ecological and Developmental Criminology at the Institute of Criminology, and is an international research network and programme which aims to achieve a better understanding of how young people become involved in crime. The Centre recently won additional funding of £2.6 million (also from the ESRC) for a further five years.

The Peterborough Adolescent Development Study (PADS) represents the first phase of the on-going Peterborough Adolescent and Young Adult Development Study (PADS+), a 10 year longitudinal study which began as one of four collaborative UK studies within the SCoPiC Network. The SCoPiC Network was established in 2002 via a five-year research grant from the Economic and Social Research Council (ESRC) to investigate the social contexts of pathways into and out of crime. While PADS focused on the adolescent epoch of the life course (ages 11-16), exploring factors which lead individuals to embark upon pathways into crime, it benefited from collaboration with other studies investigating childhood and adulthood dimensions of crime involvement. The Study’s advances also stimulated international collaboration and debate in competitive research centres in the US and across Europe. The SCoPiC Network has now concluded its final year of research and collaboration and some of its studies will continue. PADS will advance into the future, having successfully bid for additional funding from the ESRC for another five years.

PADS research has made a number of contributions to the study and explanation of the causes of crime. It has advanced criminological theory by bringing together research and evidence into individual and environmental factors which influence crime causation, developing a framework which considers the interaction of these factors and the causal mechanisms which link those interactions to acts of crime. Previous criminological theory has mostly focused on either the role of individuals or environments in crime causation; few theories have looked at their roles both in conjunction and interaction, and to date none have done so in comparable detail. PADS theory emphasises the need to understand how individuals interact with their environments and how this interaction may lead to crime involvement.

To gather data on individuals, environments and individuals’ exposure to environments, PADS uses data collection methodologies such as computer-based neuropsychological measures, interviewer led, small-group questionnaires, and one-to-one space time budgets, which not only gather information about individuals’ activities, companions and settings but also geographical locations which can be used to map individuals’ movements. This detailed information means that analyses can not only investigate the role of individual and environmental factors in self-reported acts of crime, but can also take into account individuals’ exposure to environmental factors, as well as situational factors associated with their crime-related behaviours.

PADS+ will continue the tradition established in phase I, extending the study’s focus into young adulthood (ages 17-21) and encompassing pathways out of as well as into crime. It will begin to consider questions of desistance, the role of interpersonal relationships and the impact of life choices as individuals move into the job market, begin their own families or pursue higher education. Investigations will facilitate a better understanding of how individual factors interact with exposure to different environmental factors to influence trends in offending, especially escalation and desistence.

Based on the success of phase I, expectations are high that PADS+ will provide a seminal study which will increase awareness and understanding about the causes of crime during a critical epoch of the life course, providing knowledge which can guide policy and practice more effectively on the basis of solid theory and strong empirical results.

More information about the Study, and the SCoPiC Network, can be found at www.scopic.ac.uk.

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PADS+ will provide knowledge which could guide policy and practice more effectively
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