

OXFORD LAW NEWS

2015
No19

Celebrating 50 years of
the St Cross Building

Timothy Endicott
our first Dean

Our results from the REF



FACULTY OF
LAW

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50th Anniversary of the St Cross Building

On 17 October 1964 the 'Law Library and the Law Faculty Building' were officially opened by Dean Erwin N Griswold of Harvard Law School. To commemorate this event 50 years ago, on 17 October 2014 the Faculty welcomed alumni to the St Cross Building to celebrate.

Lights to celebrate 50 years

In the days preceding the celebrations, the St Cross Building was lit up spectacularly to highlight the three magnificent squares which are central to the design of the building. For the English Faculty Library we used yellow, which is one of their corporate colours; the Bodleian Law Library was red to link to their logo; and we used a traditional Oxford blue for the Law Faculty's box.



The event was opened by Elain Harwood from English Heritage who gave a fascinating talk on the architectural, cultural & historical importance of the St Cross Building. Timothy Endicott then introduced the panel who had been invited to share their memories of studying and teaching at the Faculty when the St Cross Building was opened. Professor Francis Reynolds, Sir Richard Buxton, Professor John Eekelaar and Baroness Ruth Deech reminisced about when they realised all of the law books had been moved to the new library, laughed about the days when the Chairman of the Law Board had only a part-time secretary and thanked some of their tutors who were also in attendance, such as Sir Guenter Treitel (and received thanks from members of the audience).

Questions and further reminiscences followed from the audience, which was made up of alumni from 1960 onwards. The guests then moved into the lobby for a reception, which was accompanied by a band playing hits from 1964.

The panel, a group of the Faculty's benefactors, distinguished guests and current Faculty members, were whisked off for dinner at Balliol College. Lady Hazel Fox QC commented: 'The highlight for me of the day was the splendid dinner in Balliol SCR where I was seated between a QC expert in environmental law, Stephen Hockman, and Jonathan Smithers, Vice President of the Law Society, with Oliver Brett of the leading New York firm White & Case and Richard Salter QC (3 Verulam Buildings), a Visiting Professor in Banking Law - an area of great interest in my own legal work.'

It was clear to all that this was a successful event enjoyed by everyone who attended and the team who organised it were proud to give our alumni an opportunity to reunite and share memories of the time they spent with the Faculty of Law.

'We were thrilled to receive over 60 "memories" from alumni who were here in the 1960s and 1970s, and these were incorporated into a booklet. This coincided with an exhibition in the library, and also online on our website at www.lawbod50.com. Many of our 150 visitors had an enjoyable time reminiscing over the exhibits, and wandering through the reading rooms rediscovering their old haunts.'

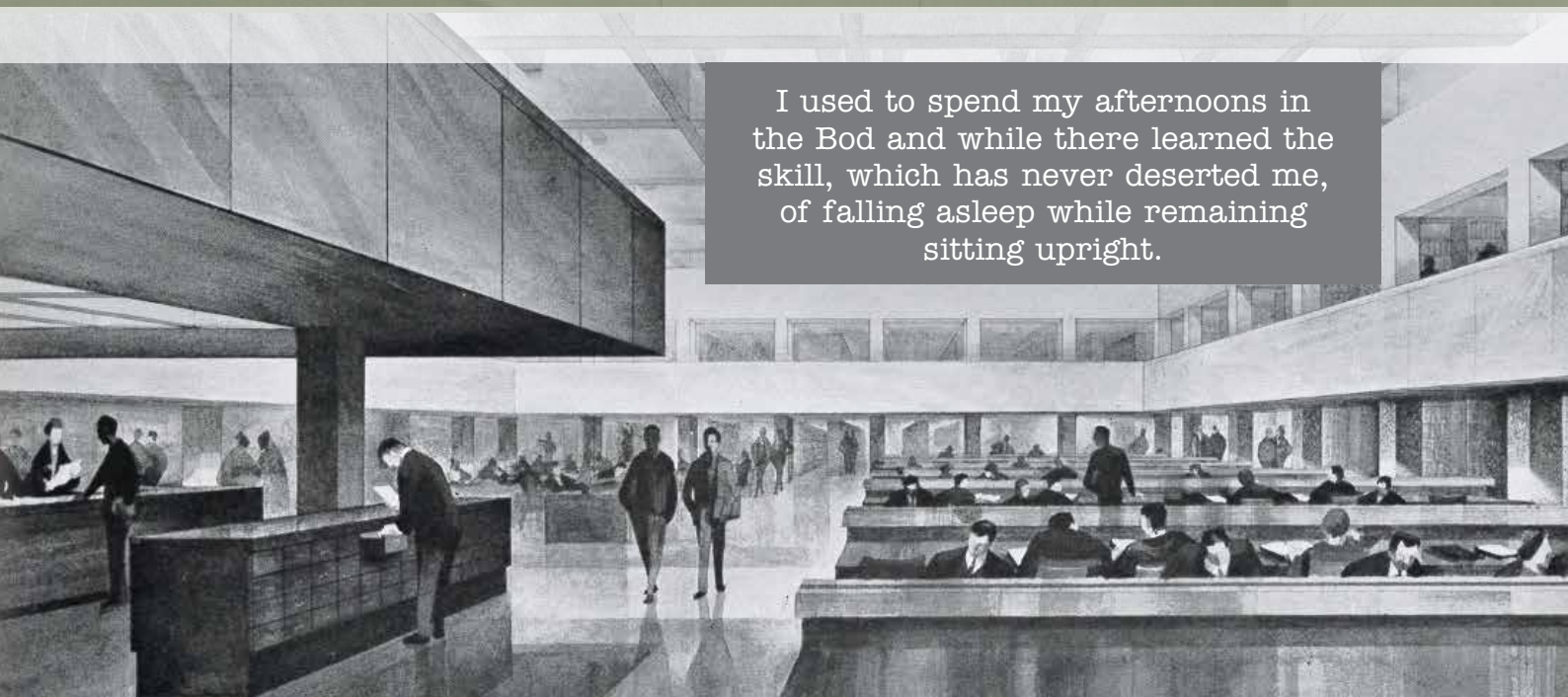
Photos: Stuart Cox



All of the talks from the day are available on our YouTube channel
www.youtube.com/oxfordlawfaculty

Memories of Oxford Law

As part of the 50th anniversary celebrations last October, the Bodleian Law Library asked alumni for their memories of the St Cross Building, the Library and their time studying here. The memories from former academic and library staff and former students have been collated into a fascinating book, which is available electronically on the Law Bod's commemorative webpage www.lawbod50.com. Here is a selection.



I used to spend my afternoons in the Bod and while there learned the skill, which has never deserted me, of falling asleep while remaining sitting upright.

Guenter Treitel (Magdalen, All Souls, 1954–)

The most important of my 'early memories' is that the new library completely changed the life of those of us who were then engaged in legal research in Oxford. Before that event we had just two rooms in the old Bodleian Quadrangle and access on open shelves to perhaps 20,000 volumes. On the opening of the Library, the number of books rose to about 200,000. The primary source material from the US and from the main Commonwealth jurisdictions was excellent and the principal European systems were well represented. My particular debt to all this wealth of easily accessible material is reflected in my book on Remedies for Breach of Contract: a Comparative Account (1988) which simply could not have been written in pre-1964 Oxford.

Stewart Ashurst (Exeter, 1964–7)

I remember the clean line of the beetroot brown tables, the smell of polish and the glow of the gold hooded lights above. I also recall that on those occasional mornings I managed to make it to the library, I would always vow to make a better attempt at understanding the latest article in the MLR.

Janet Danks (then Ratcliffe) (Lady Margaret Hall, 1968–71)

My memory of the Law Library was of a fine place to work, once I had succeeded in getting into it. I am disabled as a result of polio. My walk across the Parks from LMH was (in most weathers) a constant delight, but then I was confronted by that cascade of steps up to the Library entrance. I used to push myself up by leaning against the wall. Coming down was easier but scary. A friend of mine who was on the Libraries Committee suggested that a handrail might be fitted. The response was that the Library had been designed by a most eminent architect, whose work could not possibly be disfigured in that way. Arrangements could, perhaps, be made to take me up in the book lift. I was rather over-sensitive in those days and did not take up the offer. I often wondered if anyone more resolute than I had taken on St Cross.

Courtenay Ellis (1964)

My most vivid Michaelmas 1964 memory is of Roman Law lectures by Vinerian Professor Rupert Cross. Totally blind, he would enter the stage in the main St Cross lecture theatre, tap his way to the front of the stage and always magically stop within what seemed like inches of the edge of the stage. There he would hold forth for an hour, without notes, on the intricacies of Roman Law. He would quote in Latin from the Institutes of Gaius and Justinian, dissect the views of other luminaries such as David Daube, expatiate on the distinctions between admixtio and commixtio, between alluvio and effluvio, on the intricacies of riparian rights in Roman Law. He was a jurisprudential Superman. It was a mystical experience to attend his lectures.

Sarah P J Hardman (1973–6)

First impressions of the building were frankly disappointing – this was Oxford and the Bodleian was renowned – this was just a very 60s-style office building and my expectations were of something far more traditional and grand in appearance.

Robert Hogarth (Magdalen, 1972–5)

I used to spend my afternoons in the Bod and while there learned the skill, which has never deserted me, of falling asleep while remaining sitting upright.

Raymond Wacks (University, 1971)

This was 1971, long before the laptop generation – with easy access to online sources and the other contrivances that students now take for granted... The staircases always seemed a great distance away. (Is it a myth that the Library's celebrated architect neglected to include the staircases in his design, and they were incorporated later?)

Thomas Glyn Watkin (Pembroke, 1971)

A retired professor with whom I later taught told me that his son, who went on to become a Lord Justice of Appeal, had written to him during his first weeks at Oxford saying the law library appeared very good. His father told me that he had written back telling him that he was 'sitting in the eighth wonder of the world'.

Anthony Weale (1964–6)

Small noises echoed, like the sound of a ring-binder being snapped shut. There was a wonderful smell of new wood. I remember too being surprised by how noisy the rain was on the roof; is it still?



REF: the framework for research excellence?

This time almost two years ago numerous members of academic and administrative staff across the University were poring over the final details of the University of Oxford's submission for the Research Excellence Framework 2014 (REF). Last December the results came out.

In the REF 2014, the Oxford Faculty of Law:

- **attained the highest 'Power' rating for Law, at 100; the next highest was 75 (as calculated by Research Fortnight¹). The Power rankings reflect the quantity of highly rated research.**
- **scored first for the quantity of impact that was rated at 4*.**
- **submitted work by the highest number of academics in Law (109; the next highest was 76, according to HESA).**
- **submitted the largest number of impact case studies at 12 (that number is determined by the number of academics whose work is submitted); the next highest was 9.**

Oxford University rated highest in the country² across all subjects for the quantity of top-rated research, and highest in twelve particular subject areas (one of which is Law).



Preparing for the REF

But what about the process? How did it all work? First, a bit about the REF.

The Research Excellence Framework replaced the Research Assessment Exercise, which was last carried out in 2008. It is a cyclical assessment of, essentially, everything higher education institutions do outside of teaching: the quality of the research being carried out, the impact it has outside of academia and the environment in which the research is being done. Each HEI was required to submit huge amounts of data about the numbers of staff they had, research outputs (up to four for each member of staff returned) and case studies demonstrating and proving impact; the marks awarded for each section would inform the research funding bodies' decisions on the amount of government funding each HEI would receive for the following few years. To put this into perspective, the

University of Oxford received 18% of its income in the year 2012/13 from the UK government (the remainder being from student fees, external research funding and other sources). This means that, ultimately, whatever the overall opinion was of the REF, it was an exercise in which the University could not afford not to be involved.

Collating the data took years and was a highly political process, especially in an environment like Oxford which prides itself on producing research for research's sake, not in order to comply with governmental desires or to make money. Not every member of staff was 'returned' for the REF (meaning that their research outputs were not included in the submission and did not, therefore, add to the relevant department's score for research quality), and excellent peer-reviewed research that was considered to be undesirable to the REF panel was rejected.

| | Academic staff submitted | 4*% | 4* x FTE | 4* x FTE RANK | 4+3* x FTE | 4+3* x FTE RANK |
|------------------|--------------------------|-----|----------|---------------|------------|-----------------|
| Oxford | 108.88 | 40 | 43.6 | 1 | 91.5 | 1 |
| Cambridge | 75.80 | 44 | 33.4 | 2 | 66.7 | 2 |
| LSE | 62.87 | 53 | 33.3 | 3 | 55.3 | 3 |
| Edinburgh | 54.00 | 42 | 22.7 | 5 | 41.6 | 4 |
| UCL | 47.04 | 50 | 23.5 | 4 | 39.5 | 5 |
| KCL | 33.88 | 54 | 18.3 | 6 | 30.5 | 11 |

Criticism

Well before the results were published the process itself was criticised. Why spend money to find out what we already know; why undertake a costly exercise that will inevitably result in giving the most money to the largest institutions anyway?

*Have well-intentioned but imperfectly designed frameworks led to wasteful and distorting behaviours by academics and their universities? Has what was designed as an instrument of quality assessment become an institution that risks stifling the excellence it was intended to foster?*³

The *Times* commented that the league tables were meaningless for students choosing a law school,⁴ claiming that research income did not matter. Acting Dean Hugh Collins disagreed. In a letter to the *Times* in response to their article, he said: 'Success in maximising income depends upon the two factors of the quality of research and the submitted number of top-quality researchers. On those criteria, the Faculty of Law at Oxford University remains top.'

It's easy for us to say that the exercise was flawed standing, as we do, at the top of the table and being the recipient of the most income as a result. As a Faculty we know that exercises such as this are vital for the future of research, but we also support changes to make the whole system more transparent. For the next exercise we will be working on improving our results and continuing to prove, through every interpretation, that Oxford is the best place to study law.

Impact

For REF 2014, there was a new element: measuring the impact of academic research outside of academia. This was a hugely controversial addition to the research assessment procedure, but one that many supported as well.

The impact case studies that were produced for the REF also provided HEIs with an opportunity to discover previously unknown outcomes and applications of their research. For communications staff it has been wonderful to have real examples of what it has led to in the outside world in order to be able to celebrate the purpose of research. The case studies may have been restrictive in their style, but it has opened up a new way of thinking about why academic research happens: it enlightens lives, it provides employment and it cures diseases.

In the Faculty, we submitted twelve case studies for the REF, a number which corresponded to the number of staff we returned.

Read more about the impact of our research on our website at www.law.ox.ac.uk/research/impacts.php.

Esme Wilks

See page 28: Research

1. www.researchprofessional.com/media/pdf/UoA20_Law.pdf

2. www.ox.ac.uk/news/2014-12-18-oxford-ranked-first-research

3. www.timeshighereducation.co.uk/comment/letters/its-our-duty-to-assess-the-costs-of-the-ref/2017479.article

4. www.thetimes.co.uk/tto/law/student-law/article4323345.ece

Forty years on

A letter from the
Acting Dean, Hugh Collins

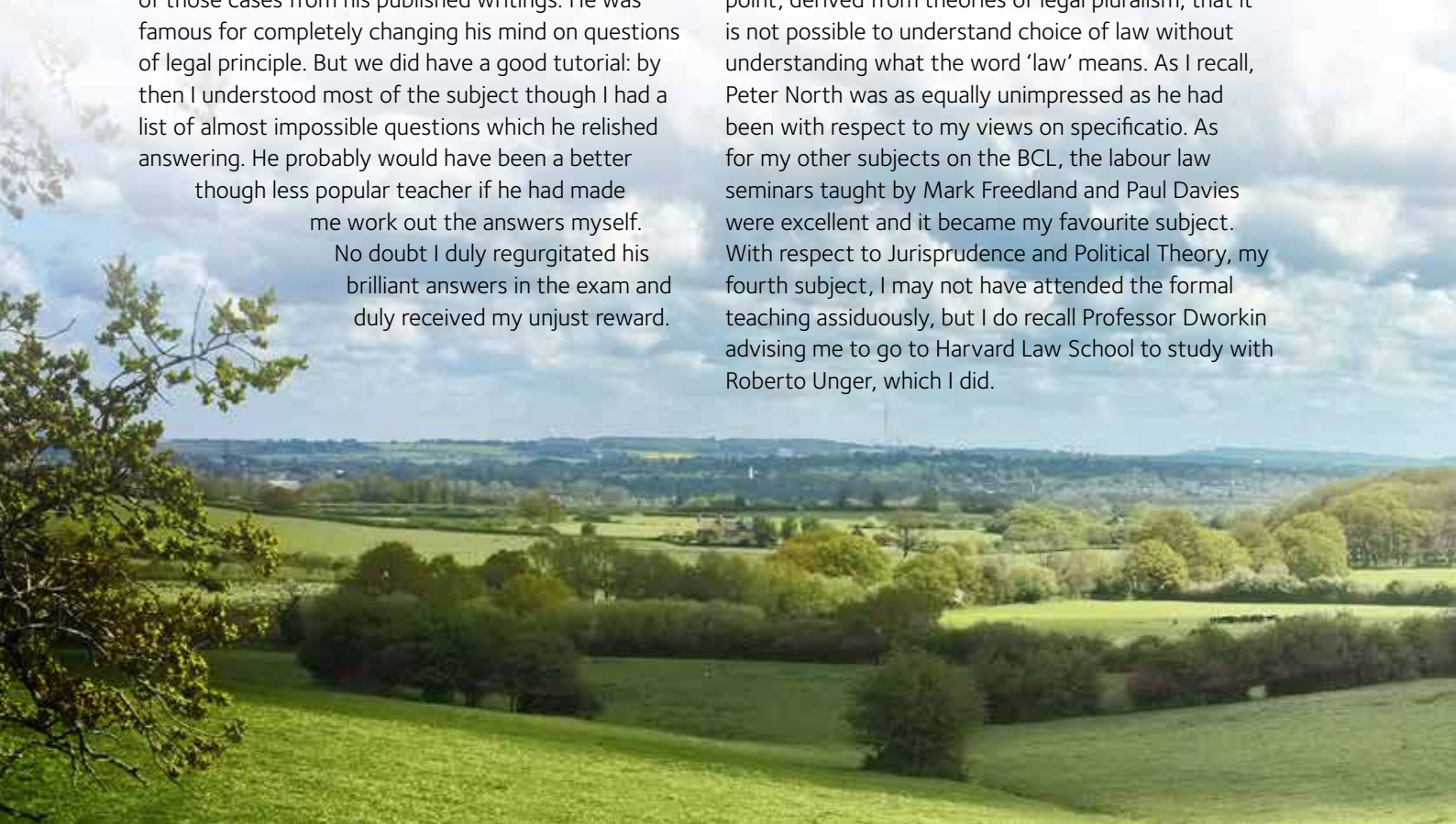


Forty years ago, in Trinity term 1975, I was enjoying what I firmly expected to be my last days in Oxford. I was preparing for the BCL examinations. It had been a busy year. The distracting student demonstrations and occupations of my undergraduate days had finally petered out after trials and tribulations. So for the BCL year, I had attended most of the seminars, and read a fair portion of the reading lists. I was now preparing for tutorials in the Trinity term, in the compulsory and generally regarded as tough subjects: restitution and the conflict of laws.

In particular, I was preparing for a couple of tutorials with Peter Birks in the law of restitution, the law tutor in BNC at that time, later the Regius Professor of Civil Law in All Souls College. Peter Birks had the fearsome reputation for being the sharpest and toughest teacher around in Oxford. He lived up to his reputation. I am not sure how well those tutorials went – Peter Birks told me that I had completely misunderstood the key cases. That may have been right, though I am pretty sure that I would have derived my understanding of those cases from his published writings. He was famous for completely changing his mind on questions of legal principle. But we did have a good tutorial: by then I understood most of the subject though I had a list of almost impossible questions which he relished answering. He probably would have been a better though less popular teacher if he had made me work out the answers myself.

No doubt I duly regurgitated his brilliant answers in the exam and duly received my unjust reward.

The other tutorials I had were with Peter North in the conflict of laws. Peter North was the law tutor at Keble, who went on to be a Law Commissioner, Principal of Jesus College, and Vice-Chancellor of the University of Oxford. He knew me from earlier on: he had tried to teach me Roman Law for Mods with only modest success. I recall in one tutorial, in exasperation, he threw a piece of chalk at me for being flippant. My approach to the conflict of laws was to try to liven up the subject by suggesting the jurisprudential point, derived from theories of legal pluralism, that it is not possible to understand choice of law without understanding what the word 'law' means. As I recall, Peter North was as equally unimpressed as he had been with respect to my views on specificatio. As for my other subjects on the BCL, the labour law seminars taught by Mark Freedland and Paul Davies were excellent and it became my favourite subject. With respect to Jurisprudence and Political Theory, my fourth subject, I may not have attended the formal teaching assiduously, but I do recall Professor Dworkin advising me to go to Harvard Law School to study with Roberto Unger, which I did.



As things turned out, however, I was back in Oxford the following year as law tutor at BNC in a position associated with Worcester College as well. I had been tempted by joining an all-star team of tutors – John Davies and Peter Birks at BNC and Francis Reynolds and Paul Craig at Worcester College. In addition, at BNC, I was to learn a great deal from the Principal, HLA Hart, and the Professor of Comparative Law and later Principal, Barry Nicholas. With Paul Craig, who is featured in this issue, I developed an excellent Law Faculty discussion group of two in which any aspect of legal scholarship could be fervently discussed, whether we knew much about the topic or not, usually over a beer or a glass of wine.

In the 1970s many colleges were the embodiment of an Athenian democracy: they were an association of fellows, run by the fellows, for the fellows. Students were often regarded at best as a necessary evil, and notoriously at All Souls College, with its great endowment, they were found to be an unnecessary evil. With many honourable exceptions, education, via the tutorial system, was dispensed as a kind of charity, which depended on the goodwill and beneficence of the fellows. Law teaching at BNC and Worcester College was different from many colleges: Francis Reynolds, possibly the inventor of the idea of a reading list, ran a tight ship, and at BNC John Davies expected high standards and Peter Birks demanded even higher. The results in examinations proved the worth of these methods: in many years about a third of students gained a first class degree in comparison with the University average of less than ten percent. I think that these methods of tutorial teaching are now almost universal in the Faculty and partly explain the incredibly high standards that most Oxford students achieve.

In 1990, after 15 or so hectic years as a college tutor, I decided to leave Oxford again to join my family in London. It was unclear how to resign my University lectureship. I had never had much contact with the University as an institution, but I was aware that the Faculty of Law had a part-time chairman, John Eekelaar, my former tutor as an undergraduate at

Pembroke, and a part-time secretary. I wrote to John Eekelaar, and he acknowledged my note, observing that it made him feel old when his former tutees became professors. So I left again, not expecting to return; but as you can see from this message, as Paul Craig observed on greeting me on my arrival, 'Like the terminator, you're back.' Having been tempted by the prestige and relative tranquillity of the Vinerian Chair at All Souls, within a year or so of my return I have been catapulted into the role of Acting Dean for nine months until Anne Davies assumes this leadership role.

So, forty years after I was a BCL student, how does Oxford seem now? What has changed and what has remained the same? Being Oxford, the latter is naturally a longer list. The uninformative lecture list remains identical to the way it appeared in the 1970s. On the other hand, the internet has arrived, and most teachers use a platform called Weblearn to communicate with their classes and provide reading lists and other important information for the courses. The BCL is still the toughest law degree on the planet, but no subjects are compulsory, and quite a few new subjects have been permitted. In the 1970s it was hard to meet one's colleagues in the Law Faculty and find out about their research, except as a result of chance encounters in the street. Now the Faculty website provides a rich body of information about the stellar research of all scholars attached to the Faculty. As a result of a generous grant from the Law Foundation, we plan later this year to present a modern and easy-to-use new website, taking advantage of recent technological advances. Although chance meetings in the street are still a predominant way of forging links with colleagues, the Faculty of Law now operate 30 or more subject-based discussion groups for staff and post graduates, many of which meet on a weekly basis. That is perhaps the most exciting change that has happened at the Faculty level in the last forty years, because these discussion groups enable us to work together on new ideas and projects.

Even so, I look back on the original Law Faculty discussion group with affection.



Hugh Collins with Paul Craig as young tutors

Ever thought about being a judicial assistant?

Our students get involved with a huge variety of roles related to the law before, during and after their degrees; it's one of the things that makes them such excellent solicitors and barristers. Last year one of our BCL students, **Clare McKay**, and a recent alumnus, **Mohsin Zaidi**, were both working as assistants to judges and we asked them about their experiences.

Clare McKay, BCL student

Clare came to study law at Oxford from Australia where she had been assisting Justice Susan Crennan AC at the High Court of Australia. She also worked as a judicial assistant to an ex-Faculty member, Justice James Edelman, in the Supreme Court of Western Australia in 2011 following her undergraduate degree.

'Serving as a judicial assistant has thus far been the most valuable and rewarding aspect of my legal career.'

Can you tell us what you did as a judicial assistant?

My tasks mainly included legal research, proofreading judgments, preparing files and documents for court, assisting the judge in court, and corresponding with parties and other court staff.

Did you enjoy it?

Overall, my time spent serving as a judicial assistant was an incredibly positive experience. I learnt so much from both judges for whom I worked and I received invaluable mentoring and advice. I also gained some very useful insights into the workings of judicial chambers and the presentation of both written and oral arguments in court, and I made some lifelong friends. I am indebted to Justices Crennan and Edelman for the care they showed towards me both personally and professionally, the advice that they offered and the trust they vested in me. The hardest thing I had to do was saying goodbye when my tenure came to an end!

See page 78: More about James Edelman - Alumni news



What advice can you offer to current students who might be considering applying to become a judicial assistant? And would you recommend the scheme?

I strongly advise any student considering this position to apply as soon as possible. Serving as a judicial assistant has thus far been the most valuable and rewarding aspect of my legal career and I cannot recommend it highly enough. My time as a judicial assistant has confirmed my ambition to pursue a career at the Bar. It has enhanced my interest in advocacy as well as many of my legal skills. I have also come to value extremely highly the merits of mentoring in the professional sphere.



Clare McKay



Mohsin Zaidi

Mohsin Zaidi, BA Law with European Legal Studies alumnus

Following his graduation from Oxford, Mohsin worked as a judicial assistant for a year from September 2013 to Lord Wilson of Culworth and Lord Sumption at the Supreme Court of the United Kingdom.

Tell us what you did as a judicial assistant. What were your tasks?

Working on the most important legal questions of the day was a challenging and fascinating prospect. As a judicial assistant, I had the privilege of discussing cases with the Justices before and after the hearing. One of the main tasks I and the other assistants had was to summarise applications for permission to appeal and to prepare the two-page press summary that accompanies every judgment on the UK Supreme Court (UKSC) website.

What were some of the highlights of your experience?

One of the highlights was an exchange with the US Supreme Court during which we attended hearings and met with some of the US Justices. However, the best thing about the experience has to be the opportunity to work with, and learn from, the UK Supreme Court Justices themselves.

And what was the hardest thing you had to do?

Finding the confidence to disagree with one or more Supreme Court Judges was probably the biggest initial challenge. Taking a different view pushed each of us to have to consider and re consider our arguments very carefully before articulating them in front of the Justices.

Do you have any advice for someone who is considering following in your footsteps?

I highly recommend the scheme. By way of advice, I would suggest keeping abreast with judgments handed down by the UKSC so that if/when you come to apply, you are familiar with what the court actually does. Seeing some of the finest advocacy inspired me to move to the bar and I shall be starting pupillage at 6 KBW College Hill in October.

‘Finding the confidence to disagree with one or more Supreme Court Judges was probably the biggest initial challenge.’



INTRODUCTION

This will be my last short report on the work done by the Faculty on Access. The new Access Co-ordinator will, I hope, find that this is an area in which there is very real momentum with tangible and beneficial outcomes. Our two main initiatives remain the UNIQ summer school and our Pathways to Law programme. UNIQ has been running for rather longer and this is where we can report on measurable outcomes in the figures which are set out below. As Pathways to Law is only in its second year in Oxford (but in its eighth year nationally), it is a little too early to report on outcomes, although I am pleased to say that we will welcome our first Oxford Pathways students to the University in October. Both of these programmes are aimed at students in Year 12, or going into Year 12, but it is clear that awareness of Oxford and of law needs to be raised at an earlier age.

The wider University has been doing work in these crucial early years in schools, but I am pleased to say that the Faculty of Law has taken the initiative by linking up with the Brilliant Club, whose work you can read about in these pages. I am also pleased to say that we are shortly about to launch an Access website which can be accessed by all those who would like to know a little more about law at Oxford and what it entails.

Professor Ed Peel, Access Co-ordinator

1,576

applicants for law in 2014

FACULTY OF LAW

43% GOT AN INTERVIEW

31% RECEIVED OFFERS

UNIQ STUDENTS

70% GOT AN INTERVIEW

45% RECEIVED OFFERS

FROM BLACK AND ETHNIC MINORITIES



UNIVERSITY OF OXFORD 20%



FACULTY OF LAW 31%



Last June, 80 sixth form students from across the country arrived at the Faculty to experience a week in the life of studying law at Oxford. From those 80 students an impressive 63 submitted applications to study at the University, 38 of who were invited to interview, and 17 have received offers to study here in October 2015. Some of the 2014 UNIQ students tell us about their week in Oxford.

MY UNIQ EXPERIENCE

UNIQ was such an incredible experience, and I am so grateful that I was able to participate as it has truly changed the course of my future into something I probably wouldn't even have considered. Before UNIQ I was unsure of what to think about Oxford, and hadn't seriously thought about applying as it seemed 'out of my league'. However, spending a week at the summer school convinced me not only that I would stand a chance of getting in, but also that it would be a fantastic place to study. Everyone was made to feel immediately welcome, and this was down to the mentors who explained everything that was happening during the week and were always happy to answer questions about the course, Oxford University and the university application process in general.

The other students I met at UNIQ were so easy to talk to and I was pleasantly surprised by how easy it was to make friends, perhaps because the people were like-minded and shared similar interests. I am still in contact with a few of the people that I met, and it was great to speak to them throughout the process of applications, interviews and finally offers – turns out I actually know a couple of other people with offers for law!

The week was packed full of activities, both academic and social, giving us an idea of what it would be like to study at Oxford. I was particularly lucky doing the law course as we had two trips organised: one to the local court to watch some trials, and one to Hogan Lovells in London. There we had some mini-talks about the different areas of law the firm dealt with, which opened

my eyes to the variety within the subject; we were also able to talk to some of the trainees who gave us advice and told us about their experiences and aspirations. The main academic focus for the week was the principle of causation. We were given a lecture on this topic, experienced a tutorial where we discussed ideas, and finally prepared and presented a moot. I think the moot was my favourite part of the week as, although it was challenging and required a lot of thought and preparation, it was very rewarding to present my case using the knowledge I had gained over the week.

In terms of social activities, there were many. Every mealtime was an opportunity to speak to people, and it was great to be in college (St Catherine's for me) with people studying other subjects as we could share our experiences each day. Every evening after dinner there was an organised activity to go to which included a sports evening, mini-talks about a variety of subjects, and an incredible performance by the Oxford Imps who are an improvised comedy group that had us all in stitches! The best night of all had to be the bop; a night when everybody wears fancy dress, meets in one college for dinner and then spends the evening in an Oxford club to celebrate the fantastic week.

Over the week I learned so much about the process of getting into Oxford, which definitely reassured me when it came to applying. I also gained an insight into the law course which convinced me that I was choosing the right subject for me. But most of all I had such an enjoyable time and made some great friends, so I really cannot thank UNIQ enough for their generosity.

Emma Eatwell

After a nervous wait over Christmas, opening my letter containing an offer brought a feeling of pride and excitement, and I was also delighted to learn that several people I met on UNIQ had also been successful. It is brilliant that students from state schools are given a chance to experience Oxford in this way and therefore I encourage anyone who is even just considering applying to Oxford to apply to UNIQ. You are guaranteed to have an amazing time, which could be just the beginning of your Oxford career.

Freya Rock



Faculty of Law partners with The Brilliant Club to tackle university access issues



From October the Faculty of Law will be partnering with The Brilliant Club – an award-winning educational charity – to give state school pupils in Oxford and the surrounding area the opportunity to engage with cutting-edge research and develop key academic skills. Researchers from the Faculty will be supported to design and deliver a course of six Oxford-style tutorials focused on their research area, with the aim of giving their tutees a taste of university-style education and equipping them with the skills and confidence they will need to go on and make competitive applications to the UK's top universities. Dr Tom Wilks, The Brilliant Club's Midlands Regional Director, said: 'Pupils from

non-selective state schools are underrepresented at our most selective institutions – partnerships like this are absolutely vital in addressing that issue. Working with Faculty of Law researchers will be such an exciting opportunity for our pupils, and I am particularly looking forward to developing programmes for our younger learners, who otherwise might not get to tackle the complex, fascinating and above all highly relevant concepts that law research deals in.'

Further information about The Brilliant Club can be found on their website: www.thebrilliantclub.org.

Another Freshfields Stephen Lawrence Scholar

When my tutor at Mansfield, Andrew Higgins, informed me he had nominated me for the Freshfields Stephen Lawrence Scholarship, I did not quite fathom the size of the opportunity. One application, two assessment days and a phone call later, I am proud to say I am the 2015 Freshfields Stephen Lawrence Scholar. The scholarship is awarded to black and ethnic minority men from low-income households in order to address their underrepresentation in the legal profession. By providing funding, training and mentoring, it really opens up access to a profession from which they have historically been largely absent.

As a black man raised in East London in the nineties, I am well acquainted with the story of Stephen Lawrence and his mother's subsequent fight to find her son's killers and reform the British criminal justice system. I am hugely honoured to be associated with

Stephen's legacy and expect my experience on the scholarship to inform my own legal practice. While the money will be of great assistance, I am more excited by the opportunity to be a part of a community of talented black lawyers who aspire to make an impact on the legal system. As an individual who has become all too accustomed to being in the extreme minority and seeks to enter a profession where this will continue to be the case (at least in the near future), I find this network to be a source of encouragement.

Moreover, I appreciate the scholarship's focus on mentorship and expect the relationships I build with mentors to enhance my experience both at Oxford and in the early stages of my career. I have always believed those provided with opportunity have a responsibility to give something back and I value the scholarship's expectation that all of us contribute to school or university outreach programmes in order to inspire others and pay it forward.

Joel Semakula

Pathwaystolaw

The main aim of the Pathways to Law programme is to give support and encouragement to academically able students in Year 12 and Year 13, from non-privileged backgrounds who are interested in law, providing an access to both university and the legal profession. Each year we take on a new cohort of 35 Year 12 students from our local area and we support them through their A-Levels. See: www.law.ox.ac.uk/pathways.php

My experience

I was extremely nervous arriving at the Oxford University Faculty of Law on the first day and I am pleased to say after five minutes I had received a warm welcome and a quiz and had spoken to five or six of my colleagues. I had a great day and met all the students.

So far on the year-long programme I've already attended many useful events, and gained an insight into law – not only into working life, but also into university life. Meeting undergraduates at Lady Margaret Hall, we were given the chance to experience a college in full flow and speak to some undergraduates over lunch.

The programme is extremely well managed and is not just there to promote law: it also offers any help required to make successful applications, whether you want to continue in law or not.

One of my highlights was a trip to London to learn about the European Parliament, have dinner and watch the theatre production of 'Great Britain' at the National Theatre – a great evening with my Pathways friends.

I had a great work placement during February half-term, at a leading barristers' chambers. I was mentored by four barristers and over the three days was immersed in law and two specific cases. These really brought the profession to life for me, and my internship was definitely an invaluable experience. I undertook many tasks when shadowing the barristers I worked with, including a practice moot and attending court with a QC. By doing all this, I've certainly learnt a little law lingo! It has also made me feel more committed to pursue law as a career, as I very much enjoyed my placement and felt that I could see myself there in the future. I have certainly made some great contacts and know that they would welcome a further internship over the summer, all thanks to Pathways to Law.

Elizabeth Godfrey-Gush



64% of UK students who came to study Law in 2014 went to state schools

ACCESS

NEWS & EVENTS

Clarendon Law Lectures

In November Professor Ernest Weinrib, of the University of Toronto, delivered three Clarendon Law Lectures, sponsored jointly by the Faculty and by Oxford University Press, on the subject of 'The Jurisprudence of Corrective Justice'.

The lectures traced new implications of his influential ideas first set out in *The Idea of Private Law* (1995) and in *Corrective Justice* (Oxford University Press, 2012). The first explored the way the idea of 'Structure' – the relation of plaintiff and defendant, and the hierarchy of norms – is relevant to the moral and factual character of law. The second, 'Rights', explained the correlativity of the plaintiff's right and defendant's duties, suggesting that only a view of rights based in the equal reciprocal freedom of both parties could fully express this relation. The final lecture, 'Causal Uncertainty', examined the demands of corrective justice under doubts about who, or what, caused a plaintiff's injury.

Weinrib's elegant and erudite lectures cast new light on issues in general jurisprudence, including the relationships between natural law and legal positivism, and the will theory of rights, and on doctrinal problems such as the rights of infants, or the negligence of a surgeon whose patient would die anyway. Especially tantalising were Weinrib's occasional hints that ideas he has eked out of tort may prove sufficient, not only to the understanding of private law, but even to law as such. A whole cloud of legal philosophy, perhaps, condensed in a drop of doctrine.

Leslie Green



Lord Dyson

Lord Neuberger

Professor Zuckerman

Sir Vivian Ramsey

A Symposium for Lord Dyson

On Friday 14 November 2014 Professor Adrian Zuckerman hosted a Symposium in honour of Lord Dyson, Master of the Rolls, in recognition of his contribution to the administration of civil justice.

The Symposium was chaired by Professor Zuckerman and contributions came from Lord Neuberger, President of the Supreme Court; Lord Kerr, Justice of the Supreme Court; Lord Justice Richards, Deputy Head of Civil Justice; and Sir Vivian Ramsey. The event was well attended by members of the judiciary and the academy. Apart from Lord Dyson MR, other distinguished guests in attendance included Lord Justice Davis; Sir Terence Etherton, Chancellor of the High Court; Lord Justice Jackson; Lord Justice Patten; Lady Justice Sharp; Dr John Sorabji, Principal Legal Adviser to the Lord Chief Justice and the Master of the Rolls; and Dr Andrew Higgins.

Joanna Simon



Left to right: Under Sheriff of Oxford, Tom Birch Reynardson; The Rt Hon the Baroness Hale of Richmond; His Honour Judge Julian Hall; The High Sheriff of Oxford Tony Stratton, DL, Shrieval Remembrancer.

9th Annual High Sheriff's Lecture

The High Sheriff, Tony Stratton, presided over the lecture in the Examinations School. This year's lecture, 'Are We a Christian Country? Religious Freedom and The Law', was given by The Rt Hon the Baroness Hale of Richmond, Deputy President of the Supreme Court.

These annual Law Lectures were started by Ian Laing, when he was High Sheriff in 2005. The High Sheriff's Annual Law Lectures are unique in bringing together members of the various legal communities in Oxfordshire to listen to a distinguished judge talk about topical legal issues. Following the lecture each year two prizes are offered to local school students for essays on the topic of the lecture.

Hamlyn Lecture

The Hamlyn Lectures are the premier series of law lectures in the common law world. This year's series, the 66th, is being delivered by Professor Paul Craig QC, FBA. His subject is administrative law in the UK, Europe and the world.

The first lecture, subtitled 'The common law method, values and contestation', was delivered in the Gulbenkian Theatre on 19 November. The second is being delivered in Belfast on 26 November and the third at Gray's Inn, of which Professor Craig is a bencher, on 2 December. The lectures, expanded, will be published in book form by CUP next year.

Sir Stephen Sedley

Dinner to honour Jeffrey Hackney's 50 years of teaching law

Members of the Wadham College Law Society, guests, and current law students gathered at Wadham to mark the extraordinary longevity of Jeffrey Hackney's teaching career, celebrating 50 years since Jeffrey first became a Fellow and Tutor in Oxford.

Speaking at the drinks reception Tarun Khaitan, Hackney Fellow in Law at Wadham, commented on Jeffrey's distinctly engaging personality and teaching style, and the warm welcome he received from Jeffrey when he first joined the college.

As University of Oxford Clerk of the Market and former Keeper of the Archives, Jeffrey has held two of three distinguished historic positions that the University Chancellor bestows. The third position, Keeper of the Streets (whose role was to keep students from the sins of the city) was abolished some years ago. Joking that it has been Jeffrey's life ambition to hold all three titles, Wadham's current Fellows in Law, Tarun Khaitan, Eveline Ramaekers and Sandy Steel, presented Jeffrey with a plaque bearing the title 'Keeper of the Streets'.

After a splendid dinner in Hall, Neil Mirchandani (1983, Law), Chairman of the WCLS, spoke about Jeffrey's devotion and inspiration as a tutor. Reciting anecdotes from his and others' memories of student days with Jeffrey, Neil spoke about the lasting effects that Jeffrey has had on those he taught and the service he has given to the law profession. In front of an audience of students from across decades, many who have gone on to hold the highest offices in law, or practice now as barristers and solicitors, Neil thanked Jeffrey for his tireless dedication to the Law and to Wadham.

Tarun Khaitan



Jeffrey receiving the 'Keeper of the Streets'

NEWS & EVENTS

Oxford Law in China

The Faculty has long had links in China, in terms of research into the country's laws with Chinese Law Schools. Rogier Creemers, Research Officer in the Centre for Socio-Legal Studies, is one of our academics leading the field into the development of Internet law and regulation in China, and former DPhil candidate Mimi Zou started as an Assistant Professor at the Chinese University of Hong Kong last October, to build on her research into migrant work relations in China. In last year's Oxford Law News, we reported that Edwin Simpson and Paul Davies spent a week introducing Chinese students to common law legal systems at universities in Beijing and Shanghai and in September last year Nick Barber of the Oxford Faculty of Law travelled to Beijing to open the Common Law Centre at Renmin University.

Opening of the Common Law Centre

The Common Law Centre at Renmin University, Beijing, will provide a focus for the study of the Common Law in Beijing, supported by the Oxford Faculty of Law and the Great Britain China Centre. It will run seminars and conferences on topics related to the Common Law, aiming to encourage understanding of, and interest in, this legal tradition. The Centre will seek to engage with students, academics, lawyers, and judges.

At the opening ceremony former Judge of Supreme Court Xiao Yang praised the importance and timeliness of the project. Judge Yang noted that research on common law had the potential to improve the legal system in China: he hoped that the Centre could act as a platform for researchers of Common Law to communicate with, and contribute to, the international community of legal scholars.



Professor Wang Liming, Executive Vice President of Renmin University of China, congratulated the signatories on the foundation of the Centre. In an increasingly

interconnect world, legal researchers needed a sophisticated understanding of different legal traditions and cultures. Furthermore, as Chinese courts begin to develop a distinctive form of case law through the guiding case system, study of the Common Law can cast light on the challenges and possibilities faced by the judges. Professor Nick Barber, for Oxford University, commended Renmin for its decision to create the Centre. China was characterised by two legal traditions: the mainland's legal system had a civil base, whereas Hong Kong had a long Common Law history. Renmin's Common Law Centre would act as a bridge between these two cultures.

Visit from Renmin Law School

In February the Acting Dean, Mindy Chen-Wishart, Nick Barber and Paul Burns on behalf of the Oxford Faculty of Law were pleased to host a visit from Dean Han and colleagues from the Law School at Renmin University, Beijing, together with representatives of the Great Britain China Centre.

The group discussed the Common Law Centre, to which the Oxford Faculty of Law continues to give considerable support such as arranging lectures and supporting library acquisitions. We have also been negotiating the possibility of an undergraduate student exchange between the universities along the lines of the Course 2 model. Although this is an exciting plan, which has been agreed in outline, financial support for the programme is still required.

Over the closing dinner, the two Deans also began a tentative exploration of two other possible fields of co-operation – the establishment of a China Law Centre at Oxford to mirror the Common Law Centre and to make links between the Renmin Human Rights Centre and our own plans for an Institute of Human Rights.

Plans for the future

A Research Fellowship programme, funded by William Wong SC, has been established and will begin in September 2015.



Above and below left:
The launch of the Common Law Centre in Renmin

Hart Lecture

Nicola Lacey's H.L.A. Hart Memorial Lecture, delivered on 19 May 2015, reprised one of Hart's own topics: the possibility of responsibility for the unforeseen aspects of one's actions. Lacey argued, also reprising a claim of Hart's, that progress can be made in thinking about responsibility-attribution as it is found in the law without the kind of metaphysical entanglements found in the philosophical literature on moral responsibility. She went further than Hart, however, in arguing that moral philosophers themselves should take a leaf out of the lawyer's book, and regard themselves as reconstructing a practice with specific, and to some extent historically and culturally contingent, purposes. In developing this thesis Lacey gave her audience a grand tour of the disciplines, drawing in literary, historical, psychological and sociological as well as legal and philosophical material.

H.L.A. Hart was Professor of Jurisprudence in Oxford from 1952 to 1969, and Oxford's worldwide reputation in philosophy of law descends from his still-unparalleled contribution. He died in 1992. The Hart Lectures were established well before his death, with the support of the Tanner Lectures Trust and under the auspices of University College. Nicola Lacey, the 31st Hart Lecturer, is Hart's biographer as well as one of the most distinguished and versatile legal theorists of our age. She was Law Tutor at New College from 1984 to 1995. She then taught in London, first at Birkbeck and later at the LSE, returning to Oxford in 2010 as a Senior Research Fellow at All Souls. Her recent return to the LSE, as a School Professor, made it possible for her to be invited to give the Hart Lecture. The lecture was a joyful, and more generally emotional, occasion for Niki's many Oxford friends. It also gave University College the pretext to invite H.L.A. Hart's children and grandchildren to dinner, making for a family celebration as well as a celebration of academic friendships and intellectual legacies.

John Gardner

Society of Legal Scholars President is from Oxford Law

Andrew Burrows, Professor of the Law of England and Fellow of All Souls, has been elected President of the Society of Legal Scholars (SLS) for the academic year 2015-16. The SLS is the learned society for those who teach law in a university or similar institution or who are otherwise engaged in legal scholarship. It has some 3,000 members primarily comprising academic lawyers in a wide variety of subject areas. The SLS was founded in 1908 and has charitable status. The culmination of Professor Burrows' SLS Presidency will be the holding of the annual conference in Oxford. The conference will be held Tuesday 6-Friday 9 September 2016 at St Catherine's College and receptions will be held in several Oxford colleges. The theme of the conference will be 'Legislation and the Role of the Judiciary'. The convenors of the Subject Sections (there are some 28 of those Sections) will be sending out a call for papers in February 2016.

Contact details will also be available on the Subject Sections page on the Society of Legal Scholars' website, www.legalscholars.ac.uk.



Tour de Yorkshire

The Oxford Faculty of Law/All Souls Tour de Yorkshire team, which comprised Ian Loader and Guy Goodwin-Gill, successfully completed Stage 1 of the 2014 Tour de France (which took place in Yorkshire due to a British winner the previous year) in support of the Mines Advisory Group (www.maginternational.org), despite the wind and the rain. Deprived of a finish in Harrogate, then preparing for some other Tour to arrive, they rode on from Sawley to digs in Leeds, making it a day of 135 miles and nearly 9,000 feet of climbing.

Faculty Interns

For the past few years the Faculty of Law administrative offices have employed several interns through the University's Careers Service Internship Programme. The programme is open to current and recent graduates and offers paid internships in varied companies and organisations around the world, including right here in Oxford. In 2014, the Internship Programme offered 515 placements in 35 countries, hosted by 164 employers. For the Faculty, it's an excellent source of high-calibre staff for projects; for the intern, it's a scheme that will offer them an insight into a different field of employment, with the support of the University. We had three superb interns work with us last summer on three different projects, one of whom has continued to work in the office following the end of her internship, and two more will be joining this Faculty this year.

Katie Light

Last summer I worked as a Research Support intern at the Faculty of Law through the internship programme. Having studied for my undergraduate and master's degrees in French and Linguistics at Oxford, I was interested to work in another department. My internship involved working with the Faculty's Research Facilitator on a number of exciting projects, including helping academics in the research grants application process. I was involved in the whole process from initial meetings with academics to discuss research ideas and identify suitable funders to assisting with the application itself.

I am now working at the Faculty as Assistant Administrator and Project Support Officer. I work on a number of different projects including collating data on admissions and assisting with exams administration. In my work as Project Support Officer on the St Cross Building project I have been working alongside the project team and gathering user requirements.

My internship was a great experience: not only did it give me an insight into working in Higher Education and encourage me to pursue opportunities in this sector, but I have also really enjoyed meeting Faculty members and working with other administrators in the office.

Alison Hendy

As the deadline of my master's thesis drew scarily close in May 2014, I realised that I should add another concern to my to-do list: find employment. Luckily, the Oxford University Careers Service organises hundreds of internship opportunities each year. I applied for a post at the Faculty of Law, was initially unsuccessful and I was then offered another opportunity within the department: working on a database key in ensuring effective communication with students and alumni. My two months in the Faculty were fantastic, with everyone taking the time to make me feel welcome. I was able to make significant headway in updating and maintaining the database, paving the way for cleaner and more efficient internal processes. At the same time, I gained skills in an area I had never worked in as well as the experience of working in a well-oiled and professional setting. I was also lucky enough to be able to take part in supporting the UNIQ summer school, an access route into Oxford Law.

Since my internship, I have gone on to work at the Oxford Hub, a charity supporting students to volunteer with a wide variety of local causes, including educational disadvantage, homelessness and food waste. Despite being a completely different setting and role, my knowledge of internal databases has proven



Cynthia So

Alison Hendy

Katie Light

to be an advantage in the third sector where impact measurement is vital in ensuring accountability and securing funding.

Cynthia So

I interned for the Faculty of Law last summer, working on the class profile books for two months. There are two class profile books produced annually, one for MLF students and one for both BCL and MJur students, and my job was to oversee the production of these books from start to finish. To start I created a questionnaire which I sent out to all the students – over 200 of them in total. After they came back with replies, I collated the responses in an Excel document, combing out all the typos and making sure all the responses were written in the same format. My next step was arranging all

the information using styles for the designer so that she could put it all into the layout of the books. I then edited and proofread the drafts of the books that she sent back to me.

My favourite part of the internship was when the students got their photos taken for the books; I finally got to meet all these people I had been exchanging emails with for almost two months and chat to them in person! It was a fun and enriching experience and everyone in the Faculty was so friendly and helpful.

For more information about the Internship Programme, have a look at www.careers.ox.ac.uk/internshipyearbook.

ADMIN STAFF

ARRIVALS

| | |
|-----------------------|---|
| Catherine Chandler | MLF Administrator |
| Katie Christoffers | Administrator, Centre for Socio-Legal Studies (maternity cover) |
| Ceri Hunter | IP Diploma Administrator |
| Katie Light | Assistant Administrator and Project Support Officer |
| Clare Oxenbury-Palmer | Events, Careers and Alumni Officer for the MSc in Law and Finance |

DEPARTURES

| | |
|-------------------|--|
| Hannah Bond | Undergraduate Studies and Outreach Officer |
| Victoria Campbell | IP Diploma Administrator |
| Sarah Crake | MLF Administrator |
| Nicola Keane | MLF Course Administrator (maternity cover) |
| Caroline Norris | Student Administration Officer |

Academic Profile: Professor Paul Craig



Paul Craig is well known to most present and former law students at Oxford for his popular lectures on aspects of public law. Students have profited from those lectures for about forty years. Paul Craig was a law fellow at Worcester College from 1975 till 1998, when he was elected to the prestigious Chair of English Law at St John's College. He will be known to students nationally and internationally for his popular textbooks: *Administrative Law* (7th ed. 2012), *EU Administrative Law* (2nd ed. 2012), and *EU Law: Text, Cases and Materials* (with G de Burca, 5th ed. 2011). In his monograph entitled *Public Law & Democracy in the United Kingdom and the United States* (1999), Paul Craig set out his general perspective on the study of public law, which is to examine the legal principles of administrative and constitutional law in the context of the different political theories that have shaped them. In the following article Paul Craig provides us with an introduction to his most recent investigations into the foundations of administrative law during his Hamlyn Lecture series. What is particularly interesting about the lectures, which are to be published shortly as a book, is Paul Craig's engagement with the recent development of Global Administrative Law. This unfamiliar category is, broadly speaking, an ambition to subject international organisations to the rigours of the Rule of Law and fair procedures. These fascinating lectures examine the foundations of this exciting new subject and compare it to the more familiar fields of national and EU administrative law.

Hugh Collins

UK, EU and Global Administrative Law: Foundations and Challenges

I had the honour of delivering the Hamlyn Lectures in 2014. The three lectures that comprise the Hamlyn series dealt with the following topics: 'Foundations of UK Administrative Law: The Common Law Method, Values and Contestation'; 'Foundations of EU Administrative Law: Treaty Foundations, Judicial Creativity and the Hierarchy of Norms'; and 'Foundations of Global Administrative Law: Governance, Regulatory Power beyond the State and Administrative Legality'. The book that will emerge from the lectures is entitled *UK, EU and Global Administrative Law: Foundations and Challenges* and is currently in production. The lectures covered only part of the material concerning the foundations of administrative law in the three legal systems, and did not touch the analysis of the challenges faced by each system.

The book seeks to do what it says 'on the tin', viz address the foundations and challenges of administrative law in the three systems. It is not a literature review. It does explicate the background to the discussion, providing sufficient information for the

reader to understand what follows, as exemplified by the treatment of global administrative law, with which many readers will be less familiar. The overall objective is nonetheless to advance the debate on contentious issues, not to provide some potted version of the status quo. The choice of the three legal orders is reflective of the fact that administrative law functions at the national, regional and global level.

It is axiomatic that there is a developed regime of administrative law in the UK, and in the EU. The reality is that there is also a growing body of administrative law at the global level. There is already a considerable body of administrative law developed by, for example, the adjudicative organs of the World Trade Organisation, and bodies such as the IMF Administrative Tribunal.

It is also axiomatic that there is much 'vertical interaction' between the national, the regional and the global that impacts on the subject matter of administrative law, including the doctrines of

A video of Professor Craig's first Hamlyn Lecture is available on our YouTube channel, www.youtube.com/OxfordLawFaculty.

judicial review, regulatory competence and individual decisions. EU law is the foundation for much regulatory activity that affects the UK, in areas ranging from the environment to telecommunications, from energy to consumer protection and from competition to intellectual property. The UK is bound by the general principles of EU law when it acts within the sphere covered by the EU, and these principles embody the precepts of judicial review, such as proportionality, legitimate expectations, fundamental rights, equality, legal certainty and the like. There is however also 'vertical interaction' between the global level and the regional and national levels. This includes high-profile individual cases such as the Kadi litigation, but the interaction is far more extensive than this. It is exemplified by the activities of a diverse range of international and transnational bodies such as the World Trade Organization and the World Health Organization.

The sense of 'Foundations' used in the three relevant chapters is broad. It includes the conceptual, judicial, theoretical, administrative and regulatory foundations of UK, EU and Global Administrative law, although the relevance of each perforce varies. This is a law book, but the analysis is nonetheless informed by a broad range of sources, including material from history, economics, political science, international political economy, legal theory and political theory.

While there is discussion concerning the foundations of administrative law in the three systems, there is nonetheless much that is imperfectly understood. There is indeed an inverse relationship between the longevity of the legal orders considered in this book and our understanding of their respective foundations. We understand least about the foundations of UK administrative law, notwithstanding its being the oldest of the systems studied by approximately 400 years; we know rather more about the foundations for EU administrative law although there is much that has not been unpacked; and we know the most about the foundations for global administrative law notwithstanding its relative novelty and the fact that it may be contentious.

The three chapters on foundations are matched by three chapters dealing with the challenges faced by the respective systems. A challenge in writing these chapters has been to choose what to cover. It will be for others to judge the choice thus made. Each chapter

seeks to address a range of issues that cuts across administrative law, including practical challenges of case load, central issues in procedural and substantive review, and issues of regulatory design. The challenges thus addressed are both 'horizontal', in the sense of internal to that legal order, and 'vertical', in the sense of how national, regional and global legal orders interact in the sphere of administrative law.

The horizontal challenges are eclectic. They are in part temporally contingent, as exemplified by the problems posed for all three legal orders by the need to respond to post 9/11 legislation or executive action that has serious implications for process rights. They are also in part endemic to any legal order, such as the intensity of substantive review, which raises perennial concerns as to the proper balance between judicial supervision and freedom of political choice. This issue features prominently in all three legal orders.

The vertical challenges between legal orders are manifest in various ways. Such challenges can arise at the regulatory level, the most obvious manifestation being where regulatory competence to enact measures for one legal order is exercised *de jure* or *de facto* by another legal order. This can generate a plethora of problems, including the difficulties of ensuring regulatory efficacy and the dangers that administrative law safeguards valued by a legal order may be undermined when the relevant norms are made by another legal order.

Vertical challenges can however also assume a more overtly judicial dimension. The courts are not the sole architects of the terms on which a legal order will engage with other legal orders. The legislature may well have something to say on the matter, but the courts are nonetheless principal players in this respect. They determine the conditions for legitimate interchange, more especially when what is at stake is the acceptance of norms made elsewhere, which include not merely substantive regulatory norms, but doctrinal public law precepts and rival interpretations of rights. It is the courts that act as the prime gatekeepers. They shape the relative autonomy of the legal order, and in doing so protect what they conceive as its important autochthonous values. It can be juridically manifest in three different ways, which I term status, source and substantive autochthony.

NEW SCHOLARSHIPS

Faculty of Law launches the Samuel Pisar Travelling Fellowship

Samuel Pisar is a man who personally knows the effect of human rights violations. Born in 1929 to a Polish Jewish family, he was shuttled between concentration camps before escaping during a death march. After the war he was sent to Australia and began his legal studies, and became a successful trade lawyer in the United States. He then worked for the UN, and was an advisor to John F Kennedy and the State Department, the Senate and House committees. He has been awarded Polish, French and Australian honours for services to international relations and human rights. He is a UNESCO Honorary Ambassador and Special Envoy for Holocaust Education.

It was fitting, therefore, that a generous donation of £100,000 from two friends of Sam Pisar, Peter Baldwin and Lisbet Rausing, to establish a permanent travelling fellowship in human rights be named in his honour. This fellowship – open to postgraduate law students – will financially support a student to work on a human rights project in a developing country over the summer academic break. The Faculty is currently selecting its first recipient.

The Faculty thanks Peter and Lisbet, and Baroness Helena Kennedy QC, the Principal of Mansfield College, for facilitating this exciting opportunity.

Vinerian Scholarship (Re)Search

Andrew Dickinson (Law Fellow, St Catherine's College) is researching the history of the Vinerian Scholarship, established under the will of Charles Viner (author of Viner's Abridgement) after his death in 1756. From University records and information provided by others within and outside the Faculty, Andrew has compiled a list of the scholars of the 20th and 21st centuries, as well as the holders of *proxime accessit* awards from 1999 when the Statutes were changed to recognise this additional award. He is now looking to make contact with Vinerian Scholars and *proxime accessit* award holders, and to gather some further biographical details, including career and honours outside Oxford.

If you are a recipient of the Scholarship, or a *proxime accessit* award, or if you know or have any information concerning the whereabouts or life of any person meeting either description, Andrew would be very grateful if you could get in touch (andrew.dickinson@law.ox.ac.uk).

This year's recipient is James Ruddell.



Top right: Past Vinerian Scholar Francis de Zulueta, 1903

Right: Past Vinerian Scholar Zelman Cowen, 1947

Left: Past Vinerian Scholars A M Honoré, 1948, and Lord Hoffmann 1957





The Eldon Law Scholarship

The Eldon Law Scholarship is perhaps the most prestigious award given to a prospective barrister in the United Kingdom. Dating back to 1831, past Eldon Scholars have included Lord Denning, Lord Bingham and Lord Wilberforce and, among the present judiciary, the list includes Lord Wilson, Lord Justice Munby, Lord Justice Tomlinson, Lord Justice Gross and Lord Justice Sales. Every decade or so, there is a dinner to which all Eldon Scholars and their partners and former Chairs of the Committee are invited. This decade's black tie dinner, which was attended by 65 guests, was held on Saturday October 18 2014 in All Souls with the main speech being given by Sir David Keene (Eldon Scholar, 1965). Part of the purpose of the dinner was to raise money to replenish the Scholarship funds and this year saw 23 former Eldon Scholars generously donate a total of nearly £20,000.

The Eldon Law Scholarship is awarded by the Faculty of Law each year to a person with a First or a Distinction

in an Oxford undergraduate or postgraduate law degree, who is about to embark on a career at the Bar. From those applying, a short list of candidates is drawn up to be interviewed by the Eldon Law Scholarship Committee and the award is made to the person who – in the opinion of the committee – is likely to make the best barrister.

John Scott, the first Lord Eldon (1751–1838) studied at University College, Oxford in the late 1760s and was called to the Bar at the Middle Temple in 1776. He was Lord Chancellor 1801–6 and 1807–27. On 12 May 1830, at a meeting of subscribers responding to a public advertisement with the Duke of Richmond in the chair, it was resolved to establish an Eldon Law Scholarship at the University of Oxford which was to be 'at once creditable to the subscribers and honourable to the Earl of Eldon'. A sum of £7,631.9s.5d was raised.

The Eldon Law Scholarship Committee at present comprises Professor Andrew Burrows (Chair), Professor Adrian Briggs, Professor Anne Davies, Sir David Keene, and Laurence Rabinowitz QC (Eldon Scholar 1988). It interviews candidates in January each year. Caroline Norris is the secretary to the committee.

The scholarship (of £16,000) for 2015 was jointly awarded to Mr David Heaton and Mr Niranjana Venkatesan (pictured) both, of St John's College.

Andrew Burrows

Temple Chambers Scholarship

Temple Chambers, one of the leading barristers' chambers in Hong Kong, has recently announced the Temple Chambers scholarship for Oxford University BCL applicants. Administered by Temple Chambers, this generous scholarship will be open for applications from students who intend to pursue the Bachelor of Civil Law (BCL) degree and afterwards join the Hong Kong Bar. The recipient must then be admitted to the BCL programme in order to qualify. The scholarship offers all tuition costs, a generous maintenance grant and a six-month pupillage at Temple Chambers.

The selection panel is made up of current and former chambers members. The first award will be given in 2016. More information is available on our website at www.law.ox.ac.uk/postgraduate/scholarships.php.



RESEARCH & GRANTS



Will-Substitutes

In the course of the past decades, more and more property has passed on death in ways other than by will or intestacy rules, that is to say through so-called 'will-substitutes'. In the UK, among such mechanisms count, for instance, joint bank accounts, trusts, life insurance policies and, especially, pension schemes nominations. These mechanisms are employed primarily for tax considerations, but also due to a desire to avoid probate so as to speed up the transfer on death and to keep it confidential.

This development questions the role and the scope succession law rules are having in the transfer of wealth, as many of these mechanisms are not subject to the same policy-driven rules applicable to wills. Indeed, they do not comply with formality requirements necessary for wills, nor do rules concerning the construction or revocation of wills usually apply to these mechanisms. What is more, since much of the wealth disposed of in this way does not fall into the estate administered by the personal representative, the use of will-substitutes has an important impact both on creditors and potential claimants under the family provision legislation. Thus the use of will-substitutes risks undermining the whole purpose of having rules regulating succession. This development has been

recognised as problematic in the US, where the drafters of the Uniform Probate Code and the Property Restatement have tried to accommodate will-substitutes within the law of donative transfers. By contrast, in the UK, will-substitutes have been largely neglected by legal scholars.

The principal aim of this research project is to investigate the nature of the instruments used in the UK, and to explore the motives behind them, in an attempt to compare the findings with developments in other common law as well as civil law countries. The project explores the social, economic and legal consequences that flow from the employment of will-substitutes and looks at how law-makers are responding to their use. In doing so it analyses the problems that are raised by a transfer of wealth outside the rules and confines of succession law.

The research has further highlighted how little is known about developments in other European countries. For this reason, Professor Braun organised an international conference together with Professor Anne Röthel from the Bucerius Law School in Hamburg. Participants came together to discuss the role and the impact of the use of various instruments for the transfer of wealth on death outside probate. Read more about the conference at www.law.ox.ac.uk/newsitem=1090.

Alexandra Braun

Public engagement and research impacts

Many members of the Faculty conduct research in collaboration with policy-makers, NGOs and practitioners. They speak at conferences, seminars and workshops, give evidence to politicians and select committees, advise charities, legal practitioners and government departments and they encourage public debate. At www.law.ox.ac.uk/research/impacts you can read more about the impact of our research outside academia: case studies written in an engaging and clear format. Here are some examples.

Death penalty in China

Research by leading Oxford academics Professor Roger Hood and Professor Carolyn Hoyle has influenced worldwide reform of the death penalty. Nowhere is this more evident than in China where the number of executions has fallen dramatically over the last decade.



Child welfare

In the domain of family law one important factor lawyers are required to take into account is children's welfare. The conventional view is that the courts

should make determinations based on best interests, concentrating only on the best interests of any children involved in a case. Professor Herring and Dr Foster's research has argued that it is misleading to focus on one person's welfare without reference to the welfare of others. They claim that both 'best interests' and 'welfare' should be seen as concepts recognising the importance of relational interests, the performance of obligations and the cultivation of virtues relating to others, such as altruism.

Related Party Transactions: policy options and real-world challenges

Work by Luca Enriques, Allen & Overy Professor of Corporate Law at the University of Oxford, has been influential in shaping European Commission proposals relating to shareholder rights and Related Party Transactions.



Shaping the policy of elected Police and Crime Commissioners

The introduction of elected Police and Crime Commissioners (PCCs) signalled an important shift in the treatment of crime in England and Wales. The political and policy environment in which the idea of the PCCs was received and implemented, and subsequent thinking about the role and future of the Commissioners, has been shaped by two areas of research undertaken by Professor Ian Loader.



Reducing the risks of sham contracts of employment



The risks of enforcing sham contracts of employment have been reduced, through a new approach to the law, influenced by research by

Alan Bogg, Professor of Labour Law and Anne Davies, Professor of Law and Public Policy. The traditional approach to contracts of employment was to focus on the written contract of employment. Since employers normally draft contracts, this meant that the employer's presentation of the relationship between employer and employee was treated as the agreement between the two parties. This created a risk that some employers might draft 'sham' contracts which gave a false impression that individuals were self-employed rather than employees.

Research Grants



These awards show the huge variety of research that is carried out in the Faculty, and the large number of successes demonstrate the quality of what we're doing. Below is a selection of the funded research activity in the Faculty.

Shaping Future Directions in EU Labour Law

Jeremias Prassl, British Academy Rising Star Engagement Award

In March 2015, Jeremias Prassl received a British Academy Rising Star Engagement Award to further his work in EU Labour Law: as the macro-economic situation in most member states recovers from the financial crisis, labour markets continue to struggle as workers see their share of the recovery diminish. After last year's European Parliament elections, this ongoing crisis should sit at the heart of policy-makers' search for new directions and priorities. The Academy's award will enable collaboration between European officials from across different institutions, academic mentors, and early-career labour law scholars selected from the 28 member States.

Following an initial 1-day workshop at Magdalen in early July, each scholar will collaborate with a senior mentor, in discussion with whom a particular policy proposal or paper can be developed – thus providing early-career academics with in-depth insights into the realities of policy-making, and making their latest research accessible to senior policymakers. Ongoing work will be published online, and culminate in presentations at the INLACRIS conference in Cagliari, December 2015.

Innovative Media for Change – how journalists and academics can contribute to more effective transitional justice policy making

Carolyn Hoyle and Julia Viebach, ESRC Impact Acceleration Account

Oxford Transitional Justice Research (OTJR) and its external partner, the Swiss NGO Fondation Hirondelle (FH), have developed a collaborative project, the innovative multimedia online platform JusticeInfo.Net, which will draw together the expertise of academics and journalists in the field of Transitional Justice (TJ) in order to more effectively inform TJ policy-making and practice. JusticeInfo.Net will be a resource for the general public, local media, policy-makers and practitioners, helping them to engage with and tailor justice initiatives to meet both local needs and the constraints of political decision-making.

Critics of the Ombudsmen system: understanding and engaging online citizen activists

Naomi Creutzfeldt and Chris Gill (Queen Margaret University), ESRC Impact Acceleration Account

The proposal was for a small-scale knowledge exchange project examining the activities, impact and significance of activist consumer groups who use the Internet and social media to protest about the operation of ombudsman schemes in the UK, known as 'ombudsman watchers'. The project developed out of the project on 'impact and legitimacy of ombudsmen in Europe' and aims to kickstart further collaborative research on the consumer experience of ombudsman schemes, the impact of ombudsman watchers on consumer perceptions of the justice system and the perceived legitimacy of informal justice mechanisms.

The new dynamics of international refugee law

Cathryn Costello and Michelle Foster (Melbourne Law School (MLS)), Allan Myers funded Oxford – MLS Research Partnership

This project aims to identify the new dynamics in international refugee law, by focusing on developments found in UK and European asylum law and policy, and in Australia, which are liable to undermine refugee protection in different ways.

The future of contract law in Latin America

Rodrigo Momberg, University of Oxford John Fell Fund

With the aim of evaluating the harmonisation of contract law in Latin America, experts from the UK, Europe and Latin America will examine the most recent effort on the subject, the Latin American Principles of Contract Law (Principios Latinoamericanos de Derecho de los Contratos – PLDC). The PLDC will be analysed from historical and comparative perspectives. The evaluation will include their general assessment with regard to other similar academic or institutional initiatives; and also the examination and comparative analysis of the main subjects covered by the Principles, such as the concept of contract, performance, non-performance and remedies. As a result, the project will intend to answer the questions about the necessity and suitability of the Principles and their provisions in the Latin American and global context.

The project also intends to provide a platform for further collaboration between the Institute of European and Comparative Law (IECL) and Latin American academic institutions, with the establishment of a permanent network of academic exchange and research in comparative contract law.

Responses to wrongfully convicted asylum seekers by the Criminal Cases Review Commission of England and Wales

Mai Sato, University of Oxford John Fell Fund

The Criminal Cases Review Commission (CCRC) is a non-governmental body which reviews possible miscarriages of justice in England, Wales and Northern Ireland. This study looks at the CCRC's handling of asylum cases, as part of a wider project on discretion and decision-making at the CCRC. In 2012 – 13 the CCRC received over 100 applications from those who believed they had been wrongfully convicted in cases where their 'asylum' or immigration status was at issue. Applicants had entered the UK as asylum seekers and were subsequently prosecuted and punished for offences linked to their entry to the UK. The study examines how these cases were first identified by the CCRC; whether there were any 'missed' cases before they identified the source of wrongful convictions – inadequate legal advice by defence lawyers; and whether asylum cases are treated differently.

Adolescent – Parent Violence Project

Rachel Condry

This knowledge exchange project has been funded by an ESRC Impact Acceleration Account award and has involved working closely with the Home Office, the Youth Justice Board, and a number of domestic violence organisations to produce a 35-page guidance document on adolescent-to-parent violence and abuse for practitioners in a range of fields. This is the first official guidance on adolescent to parent violence in the UK and is available at bit.ly/1JUKRdd.

The guidance took eighteen months to produce and was published with only hours to go before the deadline of the pre-election period known as 'purdah'. In March Rachel held two knowledge exchange events in London and in Manchester, with knowledge exchange officer Anne-Marie Harris. The document was launched at these events to over 100 service leads from a variety of sectors including youth offending team managers and heads of children's services, and workshops were held discussing its implementation in local areas. Rachel is now engaged in making a film about the impact of her research.

More details on this project, including the impact of the research, are available at apv.crim.ox.ac.uk.



Centre for Criminology

49 years ago, in 1966, the late Professor Nigel Walker CBE, D Litt, who died on 13 September 2014 at the age of 97, laid the foundations for what has become the Centre for Criminology when he established the Penal Research Unit (PRU). When Professor Walker left Oxford in 1973 – to succeed Sir Leon Radzinowicz as Wolfson Professor of Criminology and Director of the Institute of Criminology at Cambridge – Professor Roger Hood took over the Unit and broadened the scope of the PRU into the Centre for Criminological Research, now the thriving Centre for Criminology.



50th Anniversary

In 2016 we will celebrate our half-century, with a series of events for our partners in the justice system, our friends and colleagues in the academy, and our students and alumni. We will also move from our current site in the Manor Road Building into a new section of the St Cross building, joining our law colleagues.

2016 will be a busy year for Criminology. We will be marking our 50 years by a fundraising initiative to secure our continued success over the following 50. We have five fundraising targets: to secure a permanent lectureship in quantitative criminology; to create a senior research fellowship on race and ethnicity; to fund a range of MSc and DPhil scholarships; to name our new lecture room in the St Cross building; and to set up a new Global Criminal Justice Hub. Visit our website for more details of these goals and our planned 50th Anniversary events.

Calling your alumni stories

As part of our planning for our 50th Anniversary celebrations, we are collating short alumni stories to show what our students go on to do after they graduate from Oxford. Some stay in the academy, some become lawyers, police officers, barristers and judges, and others go on to work in policy or campaigning roles, such as in human rights organisations. We would like to hear from all masters' and doctoral students who have graduated since 2000 about their current and past work since leaving Oxford for an e-book. Please email your biographies (150 words max) and a photo to cfc@crim.ox.ac.uk.

Staff News

The Impact of Being Wrongly Accused of Abuse in Occupations of Trust: Victims' Voices

Carolyn Hoyle, Ros Burnett and Naomi-Ellen Speechley are working with FACT (www.factuk.org) on a study of the impact of false accusations of abuse on professionals who work or have worked in positions of trust with children or vulnerable adults.

Leila Ullrich was appointed Convenor of Oxford Transitional Justice Research (OTJR). Leila's DPhil research addresses the question of how the concept of 'justice for victims' is interpreted, used and implemented by the different justice stakeholders of the International Criminal Court, with focus on victim participation in Kenya and victim assistance in Uganda.

Knowledge Exchange

Knowledge Exchange (KE) has been a key theme for the Centre for Criminology this year, with the work of all its members falling under this rubric in various ways. From a KE-themed seminar series on custodial research organised by Mary Bosworth, to Carolyn Hoyle's expert testimony at the January 2015 Commons Select Justice Committee on the Criminal Cases Review Commission (read it here: bit.ly/1QOQ6dZ) and Rachel Condry's work with the Home Office producing guidance on adolescent-to-parent violence, academics and some students have worked closely with practitioners across the criminal justice system.

Over the last two years Ben Bradford, working with RAND Europe, has led an ESRC-funded project that has investigated the value of mounted police units in the UK. (Read all about this, including links to all the research coverage, at bit.ly/1E92dJH.) Alpa Parmar has also received wide media coverage with her work on the increase in No Further Actions disposals by the police, particularly for ethnic minority groups.

In addition to research-based Knowledge Exchange, we continue to provide professional education to Thames Valley Police officers, providing the service with up-to-date empirical and theoretical research on the themes that are the focus of our scholarship, and 2015 saw us branching out with a two-day professional education conference for the Magistrates Association.

Border Criminologies has been particularly active with engaging people outside the academic community, continuing to expand its web-based network and scholarship. Since founding the open access SSRN journal on Citizenship, Criminal Justice and Migration last year, Border Criminologies has seen more than 12,000 downloads. Likewise, its website has been visited nearly 100,000 times.

Prisons Transparency Project: A team of criminologists from Canada, including Oxford's Sarah Turnbull, will soon begin a three-year project to develop a new participatory-action research process and methods for prison research that will bring academics, former prisoners and community agencies together to systematically collect and document prisoner and detainee experiences.

Criminal History Project: A team of four scholars, including Oxford's Julian Roberts, has been created in the Robina Institute, Faculty of Law, University of Minnesota. The team is engaged in a multi-year project examining the use of criminal history in the US Sentencing Guidelines. Prior convictions count very heavily against offenders in the US sentencing schemes and this project will attempt to change guidelines and practice.

Student News

The MSc Criminology and Criminal Justice programme continues to attract high-quality students from around the world. This year we welcomed to the Centre 24 MSc students, one new MPhil student and three new DPhil students. Five of our DPhil students successfully defended their dissertations: Daniel Alati, Sophie Eser, Andrew Faull, Michelle Grossman and Lea Sitkin.

The Centre currently has 24 research students working on areas closely related to its six research themes, and October 2015 will see the first intake of our newly launched part-time DPhil in Criminology. Here is a selection of what they've been up to:

- MSc candidate Cathryn Stephens organised an event with the Oxford Howard League Society and Green Templeton College, entitled 'Prisoner Welfare: Does it Matter?', Erwin James (*Guardian* columnist) and Rob Preece (Howard League for Penal Reform) were on the speaker panel.
- MPhil candidate Jasmina Arnez hosted (with Green Templeton College) a graduate conference in Criminology and Criminal Justice.
- MPhil student Arushi Garg was Research Co-ordinator, under the supervision of Lucia Zedner, on an OPBP report commissioned by REDRESS on Victim Participation in Criminal Procedures – see bit.ly/1EiR6oj.
- Meanwhile other DPhil students, including Richard Martin, Alice Irving and Rachel Wechsler, have contributed to the work of OPBP and the Human Rights Hub.



Social media

[@OxfordCrim](https://twitter.com/OxfordCrim) facebook.com/ox.crim

The Centre continues to develop its online presence as a means to share the important work undertaken by its members. **Twitter:** @OxfordCrim **Facebook:** facebook.com/ox.crim
iTunes U: podcasts.ox.ac.uk/series/criminology **Criminology@Oxford blog:** crim.law.ox.ac.uk

Oxford Transitional Justice Research Network



OTJR is an inter-disciplinary network working on issues of transition in societies recovering from conflict and/or repressive rule. It is a large and diverse academic community dedicated to producing high-quality scholarship that connects to practical and policy questions in transitional justice, including research within the following themes: theoretical and philosophical debates, domestic and international prosecutions, truth commissions and other truth-recovery processes, commemoration and memorialisation, local and traditional practices, compensation and reparations, and institutional reform.

Our weekly seminar series brings leading scholars and practitioners including judges, prosecutors, defence counsel, artists and activists to Oxford. In 2015 Oxford Transitional Justice Research hosted Judge Theodor Meron (President of the International Criminal Tribunal for the former Yugoslavia), Professor Mark Osiel (Professor of Law, University of Iowa) and Professor Jo-Anne Wemmers (Professor of Criminology, Université de Montréal) amongst others. The seminars foster critical discussion on cutting-edge Transitional Justice (TJ) scholarship and contribute to the creation of an international TJ research community.

Last year, we also laid the ground for a new collaborative project with the Swiss NGO Fondation Hironnelle and the Harvard Humanitarian Initiative: the development of an innovative online media platform (www.justiceinfo.net). The media platform goes online in May 2015. OTJR contributes academic analysis of ongoing developments in conflict and post-conflict countries to

the platform through its extensive research network. In 2015, we also obtained an ESRC grant to organise an interactive workshop, 'Innovative Media for Change', to discuss with leading Transitional Justice academics and journalists how JusticeInfo.Net can be used to more effectively inform TJ policy-making and practice. The workshop was held on 22 and 23 June 2015 at the University of Oxford.



OTJR committee with Judge Meron

Criminology

The Centre for Criminology is pleased to announce a substantial donation from Lady Edwina Grosvenor. Through her generosity, Criminology has secured a five-year departmental lectureship. In this role, Dr Ben Bradford will continue his ground-breaking work on procedural justice, legitimacy and the police, while consolidating and expanding the centre's teaching and research capacity in quantitative methods.

Lady Grosvenor is a private philanthropist with considerable expertise in criminology and criminal justice. She has been particularly active in prison reform in England and Wales. Lady Grosvenor is involved in a number of prison charities that seek to help offenders stay out of prison and was one of the founding investors in the highly effective Clink Restaurant chain that operates in prisons around the country.

Mary Bosworth

Centre for Competition Law and Policy



Presentation by Professor Marshall (BatesWhite and PennState) – The Economics of Information Sharing Cartels.



Presentation by Professor Stucke (Tennessee University) – Artificial Intelligence and Collusion.

In June 2015 the Centre for Competition Law and Policy (CCLP) hosted its fourth Antitrust Enforcement Symposium in collaboration with the Journal of Antitrust Enforcement (OUP). Over two days participants from the European Commission, the UK Competition and Market Authority, the US Federal Trade Commission and other competition agencies, together with academics and practitioners, discussed the law, economics and policy of antitrust enforcement. The vivid discussion was supplemented by three keynote speeches: Maureen K Ohlhausen, FTC Commissioner, discussed the relationship between Competition and Industrial Policy; Gert-Jan Koopman, Deputy Director-General for State Aid at the European Commission, explored recent developments of State Aid policies in Europe, and Rambod Behboodi, Deputy Commissioner – Competition Bureau Canada, discussed Digital Dispatch Services, Technology and Consumer Welfare.

Earlier this year the CCLP, in collaboration with the Journal of Antitrust Enforcement, and the Oxford/Stockholm Soderberg Venture, hosted a roundtable discussion on Competition Law, Information Exchange and Market Transparency. Speakers at the event included Bill Kovacic, Bob Marshall, Maurice Stucke, Lars Henriksson, Ingrid Vandenborre, Florian Wagner Von Papp, Antonio Capobianco, Matthew Chiasson, Ulf Bernitz, Ariel Ezrachi and Björn Lundqvist. The event provided an opportunity for in-depth discussion of the law and policy considerations which impact on market transparency. Presentations explored a wide range of related topics, including the economics of oligopolies, interlocking directorships, most-favoured-nation clauses in distribution contracts, resale price maintenance, and the use of computer algorithms to facilitate collusion.

Other events included the eleventh symposium on 'Trends in Retail Competition: Private Labels, Brands and Competition Policy' and the yearly guest lecture programme which included presentations by leading academics and practitioners. In addition, the CCLP

continued its involvement in the 'Value of Competition' initiative, which supports efforts in various jurisdictions to foster competitive culture through engagement with teenagers and young adults.

This year has also seen the release of the CCLP study, conducted in conjunction with the Journal of Antitrust Enforcement, on 'Agency Effectiveness and Best Practices'. The study was presented during the recent UNCTAD Intergovernmental Group of Experts on Competition Law and Policy. The study explores competition agencies' wide range of daily concerns and strategies, and the formal and informal ways in which they are handled. As part of the study, present and former competition officials were interviewed to explore the informal aspects of their role which they believe contributed to the effectiveness of the competition agency. The study is due to be published in the Journal of Antitrust Enforcement.

Ariel Ezrachi, Slaughter and May Professor of Competition Law

For further details on the CCLP activities visit:
www.competition-law.ox.ac.uk

Institute of European and Comparative Law

The Institute of European and Comparative Law celebrates its 20th anniversary this year. It is the leading research institute of its kind in the English-speaking world. It supports teaching and research in European and comparative law throughout the University, administers the Faculty's undergraduate student exchanges and fosters international co-operation across Europe.



Participants at the conference on The Future of Contract Law in Latin America held in Keble College, Oxford in June 2015.

The academic year 2014 – 15 culminates with the Institute's anniversary celebrations this summer. From its modest beginnings in 1995 the Institute has seen continuous growth over the past decades. It has established and nurtured numerous links with our continental partners, with regard to both teaching and research.

Today, the Institute facilitates many of the Faculty's research activities in European and comparative law, inter alia by organising the relevant lunchtime Discussion Groups and a raft of international conferences. Its particular focus is on the intersection of European and comparative law.

This is particularly visible in the Institute's book series published by Hart Publishing, the *Studies of the Oxford Institute of European and Comparative Law*, which will see the publication of its 20th volume later this year. A flavour of the topics that are on our research agenda is conveyed by the list of our most important events during the ongoing academic year in the column on the opposite page.

The Institute promotes the Faculty's teaching agenda by administering its hugely successful undergraduate exchange programme, the largest of its kind in this country. The Law with Law Studies in Europe degree (informally known as Course 2) sees 35 of our BA students spend their third year away from Oxford at one of our European partner faculties in France, Germany, Italy, Spain or The Netherlands.

As announced in last year's Oxford Law News, we are currently working on an extension of Course 2 to two Asian universities. Negotiations with the National University of Singapore are far advanced, and we hope to conclude an exchange agreement with them soon.

The new exchange would see a group of four students spend one semester at NUS and another semester at the Shanghai-based East China University of Politics and Law every year. Both institutions offer a wide variety of comparative subjects with an Asian focus. If everything goes according to plan the first cohort of Oxford students will depart for Singapore in September 2017.

Negotiations are also underway with another Chinese university. As always, funding (or rather the lack of it) proves to be the major stumbling block for offering our students the exciting possibility to spend a year in an entirely different legal culture – an invaluable experience for any modern lawyer which is greatly appreciated by employers who take a keen interest in our Course 2 graduates.

Closer to home, everyone at the Institute looks forward to the major building works that will transform the St Cross Building. Once completed, the Institute will finally move out of its cramped and dark facilities and occupy a much more appropriate part of the building. Unfortunately, the interim period will be challenging. The Institute will have to move to different premises for at least a year which will make work more difficult for everyone involved.

However, before all of this happens we intend to celebrate the anniversary with a major conference on General Principles of Law in a European and Comparative Perspective in late September. The event will see a large number of high-profile speakers from the UK, Europe and the United States, and of course Oxford. It promises to be a memorable event.

Yet the September conference will not only celebrate the past. It also marks an important step towards the Institute's future. After having been Director of the Institute for 11 years I will step down from the post to take up a new role as Director of the Max Planck Institute of European Legal History in Frankfurt from 1 October onwards.

It has been a privilege to serve in this Faculty office for so many years and I am tremendously grateful to all the Institute's friends and supporters who have made these 11 years the most interesting and exciting period in my career. I am particularly delighted that the Faculty has appointed Professor John Cartwright to the Directorship. I could not think of anyone who would be better suited to lead the Institute towards the next 20 years of its existence.

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

See page 4: 50th anniversary of the St Cross Building

See page 70: Arrivals

Arrivals in 2015 – 16:

Director: Professor John Cartwright

Erich Brost Career Development Fellow in German and European Law: Dr Martin Brenneke

4th Stockholm Centre Oxford Fellow:

Mr Jaan Paju

Research: The interrelationship between the EU internal market and national social security law systems

Max Planck Fellow: Dr Axel Moeller

4th Paris Visiting Fellow

(University of Paris II): Professor Patrick Morvan

Research: English, European and comparative social security and employment law

Events in 2014 – 15:

A symposium to launch English and European Perspectives on Contract and Commercial Law: Essays in Honour of Hugh Beale

Brasenose College, 7 November 2014

Current Issues in Arbitration and Mediation. French, British and European Perspectives

Brasenose College, 12 – 13 December 2014

8th Oxford French Law Moot

16 March 2015

See page 66: Mooting

Will-Substitutes from a Comparative Perspective

Lady Margaret Hall, 27 – 28 March 2015

The 11th Symposium on Trends in Retail Competition: Innovation, Choice and Competition Policy

St Catherine's College, 22 May 2015

The Future of Contract Law in Latin America

Keble College, 25 June 2015

European Contract Law and the EU Charter of Fundamental Rights

Annual Meeting of the Society of European Contract Law (SECOLA), 26 – 27 June 2015

General Principles of Law: European and Comparative Perspectives. Celebrating 20 Years of the IECL

St Anne's College, 25 – 26 September 2015

Oxford Intellectual Property Research Centre

We continue to engage in a number of long-standing activities, such as the world-renowned Oxford International IP Moot Court and our weekly Speaker Series.



We have also pursued a number of new projects, with both existing and new partners, and look to deepen the integration of our research with the Faculty's expanded teaching in the field including our postgraduate Diploma in Intellectual Property Law and Practice

Oxford IP Conversazione Friday 20 March 2015

On the Friday evening of the moot, the seventh annual Oxford IP Conversazione took place, with panellists addressing the theme 'IP Speeding the Plough?' This year's topic related to some of the issues discussed in the moot problem – namely, the behaviour of honey bees and the ways in which intellectual property law affects agricultural technology. Sir Colin Birss of the High Court, an enthusiastic apiarist, served as the ideal compère and chair of the panel of speakers, offering his own insights and reactions on both intellectual property law and bee biology. Professor Daniel Kevles, a Yale historian, spoke on 'A Fruit of Law', giving us the background on the US Plant Protection Act 1930 and the Golden Delicious apple. Andrew Waugh QC presented a compelling argument for why patent protection was essential for advancement of agricultural biotechnology. Professor Tanya Aplin of King's College London considered whether anything under the sun could be the subject of confidential information. Finally, Dr Manuel Berdoy, an Oxford zoologist, gave a fascinating presentation on the ways in which bees make decisions, cleverly comparing bee behaviour with mooting.



After the talks, we divided into groups of six for dinner. Questions from tables were posed to the speakers in between courses, resulting in some amusing as well as revealing answers. Thanks are due to the speakers, participants, and staff at Pembroke College who contributed to an enjoyable and informative evening full of fascinating conversations and to Dr Barbara Lauriat for her conceptualisation and organisation of the event.

Oxford – Melbourne IP Seminar

In December 2014, at the second Oxford – Melbourne IP Seminar at the University of Melbourne, Graeme Dinwoodie (Oxford) and Graeme Austin (Melbourne) debated the proposition that 'Trade Marks should be Kept in their Place' with Beth Webster (Melbourne) and Christine Greenhalgh (Oxford). The debate was attended by a lively audience and the judges (including Julie Dodds-Streeton, former Federal Court judge, and Professor Janice Luck from Melbourne Law School) ruled narrowly against the proposition.

2nd Annual Oxford – UNSW Copyright Scholars Roundtable

A roundtable organised by Emily Hudson and Michael Handler took place in Sydney on 15 December 2014 which brought together copyright scholars in informal workshop sessions to discuss a number of pending issues. IP Centre members, current DPhil students and BCL alumni attended.

German Copyright Law Reform

On 12 November 2014, the Oxford Intellectual Property Research Centre hosted a seminar by Professor Ansgar Ohly. Professor Ohly discussed the General Report on copyright in the digital environment which he submitted earlier this year for the German Lawyers' Congress (Deutscher Juristentag), which is one of the main legal policy fora in Germany. Professor Ohly's presentation was followed by commentary from Professor Alain Strowel and Professor Martin Senftleben.

Public International Law

This was another very active academic year for the PIL Group at the Oxford Faculty of Law. Apart from such standing features as the Public International Law Discussion Group, which forms part of the International Law Association British Branch seminar series and which was again a great success, the PIL Group also organised joint seminars with the Foreign and Commonwealth Office and members of the International Law Commission, which is set to continue into the next academic year.



Oxford-FCO seminars

The Oxford PIL Group, under the guidance of Professor Dapo Akande and with the help of Dr Eirik Bjorge, together with the Legal Directorate of the UK Foreign and Commonwealth Office, held a series of seminars this year on the current work of the UN International Law Commission. The sessions were attended by a select number of academics and practitioners, FCO legal advisers and members of the International Law Commission and topics under consideration by the International Law Commission were discussed in depth, and suggestions were made for the development of international law in the relevant areas. In the sessions that took place this academic year, the work of the ILC on the identification of custom, on peremptory norms in international law, on the law of treaties and on the immunity of state officials from foreign criminal jurisdiction were considered. Further sessions are planned for next year.

IDS student visit to The Hague

As in previous years, BCL/MJur students taking International Dispute Settlement visited The Hague as part of their course. At the International Court of Justice, they met with ICJ Judges Greenwood and Crawford, Registrar Couvreur, as well as Counsel for Nicaragua and Chile Pellet and Wordsworth. They sat in the hearings of the case regarding the construction of a road between Nicaragua and Chile in the Great Hall of Justice. They also visited the Permanent Court of Arbitration, and met with Legal Officer Pullkowsky. The trip was organised by the course convenor, Antonios Tzanakopoulos, with the help of MPhil candidate Callum Musto.



Oxford Human Rights Hub

Fostering a Global Conversation on Human Rights Law

How do we create a truly global dialogue on human rights law? How, as Oxford academics, can we reach beyond the dreaming spires to engage practitioners and policy-makers in this important conversation? These questions have motivated the work of the Oxford Human Rights Hub (OxHRH) this year.

Led by Director Professor Sandra Fredman and Deputy Directors Dr Laura Hilly and Dr Meghan Campbell, the OxHRH continues to transcend traditional boundaries to open up new spaces for exchange and learning on comparative human rights law, in particular through making best use of internet-based communication. Our daily blogs, featuring high-quality analysis of new developments in human rights law written by experts from across the globe, have attracted wide audiences and much acclaim. We continue to innovate in methods of communication, this year focusing on developing our webinars and our exciting new podcast series.

Technology bringing us closer

In order to reach across geographical boundaries, the OxHRH continues to harness the power of technology and particularly online collaborative spaces. In 2015 we launched a new online webinar series. The first, led by Sandra Fredman in January on 'The Right to Education' attracted more than 100 active participants from around the globe. Participants had the opportunity to ask questions and participate in live audience polls using social media. We have two more webinars planned for this year, one on workers' rights, led by Professor Alan Bogg, and one on migrants' rights, led by Professor Cathryn Costello. The webinar series is graciously funded by the Oxford University Knowledge Exchange Funds.

The OxHRH Blog continues to prove a lively forum for the exchange of comparative human rights law developments. The blog attracts more than 12,000 unique visitors each month and has a growing archive of more than 800 blog posts written by more than 300 experts from 45 different countries. The OxHRH Blog is both a valuable resource to those conducting comparative human rights research and teaching and a democratic space whereby people anywhere in the world can feel that they are part of these discussions and can contribute in a meaningful way.

The Editorial team will launch the second edition of the OxHRH Blog Anthology in summer 2015. The 2014 edition, *Global Perspectives on Human Rights* (see: bit.ly/1DM6Zhr), attracted over 5,000 views in the first month of publication.

We are breaking new ground in podcasting. In February 2015 our podcasting team won an AHRC – TORCH Graduate Fund Award to develop a new podcast series on comparative human rights law. Produced by Kira Allmann, Max Harris and Laura Hilly, 'RightsUp' – a magazine-style podcast series launched in Trinity term – takes on some of the most topical and challenging questions of the day.

Global outreach

In November 2014 the OxHRH partnered with FGV Direito São Paulo and the University of Witwatersrand to co-host a workshop in São Paulo, Brazil, on 'Gender, Race and Poverty: Addressing Multiple Identities Through Law'. The workshop brought together researchers from different parts of the world to share their findings about the role of law in addressing some of the most challenging aspects of discrimination: those involving the intersection between gender, race and poverty.

The work of individual members of the OxHRH has also had a significant impact of the work of various policy makers and agencies with global influence. Sandra Fredman's multi-dimensional approach to a substantive equality framework was central to UN Women's flagship report 'Progress of the World's Women 2015 – 2016: Transforming Economies, Realizing Rights', launched in April 2015. Nazila Ghanea co-authored a high-level report for the Universal Rights Group: 'Combating Global Religious Intolerance: the Implementation of Human Rights Council Resolution 16/18'. Liora Lazarus was one of the key speakers at the University of Strasbourg Institute for Advanced Study Symposium – Democratic



1: The Great Legal Bake; 2: Liora Lazarus & Sandra Fredman at the Right to Education Webinar; 3: Andrew Hamilton (Vice-Chancellor, University of Oxford) & Sandra Fredman at the OxTalent Awards; 4: Kira Allmann, Laura Hilly & Max Harris, the 'RightsUp' podcast producers; 5: Marta Machado, Cathi Albertyn, Sandra Fredman, Fernanda Matsuda, Laura Hilly, Meghan Campbell and Shreya Atrey.

Security on the topic 'Righting Security or Securitizing Rights.' Cathryn Costello co-authored a study on 'New Approaches, Alternative Avenues and Means of Access to Asylum Procedures for Persons Seeking International Protection' conducted for the European Parliament's LIBE Committee. Laura Hilly supported Sir Geoffrey Bindman QC and Karon Monaghan QC on their recommendations to the British Labour party on how to address the acute under-participation of women and those from BAEM backgrounds in the judiciary in England and Wales.

The OxHRH partners with several NGOs advancing human rights around the globe, including establishing a new partnership with the Open Society Foundation to conduct several global online convening sessions to inform the work of the UN Special Rapporteur on the Right to Education in the lead-up to his next mandated report in late 2015.

Bringing human rights home

The OxHRH has also made significant gains in fostering a human rights law community amongst those working in Oxford. We have collaborated with other University groups such as the Oxford Martin School Human Rights for Future Generations, Border Criminologies and the Refugee Studies Centre to host more than 13 speakers to Oxford in the last academic year. With the support of the Bapsybanoo Marchioness of Winchester Lectureship in November 2014 we welcomed Justice Yvonne Mokgoro, former Justice of the Constitutional Court of South Africa, to speak on 'Exploring the Relationship between Identities and Judging'.

In December 2014 the Oxford Human Rights Hub and the Legal Resources Centre held a two-day workshop on the challenges of remedies and enforcement in the context of the right to education in Oxford. The workshop drew together academics and practitioners from 10 different institutions to discuss and identify new ways forward to fully implementing the right to education. It formed a solid base upon which these new academic and practice partnerships continue to collaborate in order to enhance our understanding and the realisation of the right to education around the globe.

Our wonderful team

The success of the OxHRH is owed to the hard work and support of many: our Director, Sandra Fredman; our Deputy Directors, Laura Hilly and Meghan Campbell; our hardworking Editorial team, which over the past academic year has included Karl Laird, Claire Overman, Chintan Chandrachud, Rachel Welcher, Heather McRobie and Richard Martin; our innovative podcast producer Kira Allmann; and our amazing Administrator, Zoe Davis-Heaney. We are grateful for the support of OxHRH Visiting Fellow, Professor Fiona de Londras, our Associate-Directors Liora Lazarus, Cathryn Costello, Tarun Khaitan, Nazila-Ghanea and Max Harris, and to the Oxford Faculty of Law. We are particularly grateful to the financial support offered by the Bertha Foundation and Hart Publishing and the in-kind support offered by Gullan & Gullan and the Oxford University Press.

Laura Hilly, Postdoctoral Research Fellow and Deputy Director, Oxford

Oxford Pro Bono Publico

Oxford Pro Bono Publico (OPBP) is an organisation based at the Faculty of Law of the University of Oxford, dedicated to promoting the principles and practice of public interest law on a pro bono basis. Our primary objective is to provide free comparative law and international law research to under-resourced individuals and organisations across the world, who are seeking to pursue their commitment to social justice through litigation or advocacy.

Our Projects

Situated at the heart of a truly global educational institution, OPBP is in a unique position to benefit from the assistance of some of the brightest legal minds from all corners of the world. This diversity is reflected in the nature of projects undertaken, as well as the project partners OPBP collaborates with. For the year 2014 – 2015 we have completed seven projects so far. Six of these were with the following research partners: Legal Resources Centre (South Africa), Citizen, Democracy and Accountability (Slovakia), REDRESS (UK), Lawyers Without Borders (USA), The League of Human Rights (Czech Republic) and Centre for Legal Empowerment (Kenya). One of these was an independent submission made by OPBP to the

House of Commons Political and Constitutional Reform Committee. We are also currently working on research for the Centre for Child Law (South Africa), JUSTICE (UK), the Ukrainian Helsinki Human Rights Union (Ukraine) and Penal Reform International (UK).

The areas of law explored through this year's research projects include inter alia criminal procedure, gender discrimination, constitutional law and civil procedure.

Impact

OPBP research has been uniformly well received by all our project-partners, who acknowledged that it played an important part in facilitating their work. As illustrative examples of the kind of impact our work has, it is worth examining three case studies.

Project on Arbitrary Detention

Report prepared for the UN Special Rapporteur on Arbitrary Detention, Mads Andenas

In April 2014, OPBP provided a comprehensive report to the Special Rapporteur on Arbitrary Detention. The report offered an analysis of the rights available to detainees to challenge their detention in 22 different jurisdictions, considering 6 different types of detention.

In April 2015 the UN Working Group on Arbitrary Detention highlighted the contribution of OPBP's research to the preparation of its draft document providing basic principles and guidelines to member States (bit.ly/118pz7p). The Working Group used the OPBP report, as well as the other submissions it received to develop a framework document entitled 'Basic Principles and Guidelines on Remedies and Procedures on the Right of Anyone Deprived of His or Her Liberty by Arrest or Detention to Bring Proceedings Before Court' which will be submitted to the Human Rights Council in September 2015.

Project on the Rights of Non-Nationals in a UK Constitution

Submission made to the Political and Constitutional Reform Committee of the House of Commons, UK

In January 2015 OPBP made a submission to the Political and Constitutional Reform Committee of the House of Commons in response to its consultation on 'A New Magna Carta?', a report considering the possibility of codifying the UK Constitution, and its potential contents.

OPBP's submission focused on a specific issue – the human rights protection accorded to non-nationals in the Constitution. It aimed to inform the debate about the future protection of non-nationals' human rights in the UK by providing an overview of how such rights are presented under major human rights treaties, and seven national jurisdictions.

The Committee has acknowledged OPBP's detailed comparative submissions on the point and affirmed its commitment to factor them into future blueprints for a UK Constitution (bit.ly/1ERQyil).

Project on Public Access to Court Documents

Research done for Legal Resources Centre, South Africa

OPBP assisted the Legal Resources Centre, South Africa, in preparation for their submission to the Supreme Court of Appeal in a case that sought to establish the contours for public access of court documents, by undertaking comparative research on the issue in 11 jurisdictions. Drawing on OPBP's research, the Legal Resources Centre, representing numerous civil society, academic and media groups intervening as amici curiae, successfully argued that the High Court's judgment was inconsistent with the principle of open justice.

The unanimous decision handed down on 30 March 2015 by the South African Supreme Court of Appeal in *City of Cape Town v South African National Roads Authority Limited & others* (20786/14) [2015] ZASCA 58 represents a resounding affirmation of the importance of open justice.

Human Rights for Future Generations

The Oxford Martin Programme, Human Rights for Future Generations (HRFG), continues to contribute to academic, practical and policy debates surrounding the future of human rights. Most notable is the progress made towards exploring and addressing the most pressing challenges and topics of the 21st century, which directly feeds into the strategic objectives of the HRFG's funder, the Oxford Martin School.



Professor Simon Caney (right) presenting a draft paper at the Essential Ingredients for a Sustainable Future conference in Cardiff

In October 2014 the HRFG convened a half-day workshop examining options for more effectively embedding a long-term perspective in political institutions. Led by

Professor Simon Caney (HRFG co-director), Dr Jaakko Kuosmanen (HRFG coordinator and postdoctoral fellow) and Dr Dominic Roser (HRFG postdoctoral fellow), the workshop directly related to the report commissioned by the Oxford Martin Commission for Future Generations 'Now for the Long Term' (bit.ly/1gHA6eu). The report examined how short-term political policies have not addressed the biggest challenges that shape our future today – looking at how progress could be made and providing practical recommendations towards addressing these challenges. Since the publishing of this report HRFG has continued work on understanding these challenges. In May 2015, HRFG co-organised a conference with the Welsh Government and the World Future Council in Cardiff at which the Well-Being of Future Generations (Wales) Act 2015 was sealed. The aim of the Act is to 'ensure that when making decisions public bodies take into account the impact they could have on people living their lives in Wales in the future'. The event brought together practitioners and NGOs around the world, representing institutions focused on long-term oriented governance, including commissioners and ombudspersons from Canada, Australia, Hungary, and Germany. There was also a high-level representation from the UN, with the Director of the Division for Sustainable Development at the UN Department of Economic and Social Affairs attending.

Further commentary on the event can be found at www.oxfordmartin.ox.ac.uk.

The HRFG team continues to work in partnership with other departments across the University, capitalising on shared interests and expertise in order to meet its objective towards understanding human rights challenges and its impact on future generations. An example of this can be illustrated by the policy work undertaken with the Oxford Institute for Ethics, Law and Armed Conflict (ELAC), co-directed by Professor Dapo Akande. Dr Gilles Giacca (HRFG's former coordinator) and Dr Alex Leveringhaus (ELAC's postdoctoral research fellow) published a policy paper examining the use of Robotic Weapons ([read it at bit.ly/1zcMUiN](http://bit.ly/1zcMUiN)), urging governments to recognise the increasing prominence of these weapons in contemporary and future forms of warfare and proposing steps towards suitable regulation. In addition, HRFG strongly underpins the original research plan through the organisation of a number of key events, hosting 2 international conferences (Human Rights, Gender and Poverty in Kigali and the programme's flagship conference Human Rights and the Post 2015 Agenda), 1 UK conference, 17 workshops and 28 seminars. A number of these events have been hosted in partnership with the Oxford Human Rights Hub (OxHRH) and ELAC, both possible through the collaborative work undertaken by co-directors Professors Sandy Fredman and Dapo Akande.

As the HRFG Programme moves into its final year of operation much of the planned work will be consolidating and reporting back to the funder. However, during the final year, the seminar series and workshop programme will continue with the help of key research partners such as the OxHRH, ELAC and the continued work of each of the programme directors.



Centre for Socio-Legal Studies

What unites us as socio-legal scholars? Recent decades have seen a significant expansion of the field into new terrain. Socio-legal researchers ask ever more searching questions about the role of law in society, about the nature of different laws, and about the legal realms associated with different social configurations.

Exploring the Comparative in Socio-Legal Studies

The Comparative in Socio-Legal Studies conference

Some scholars raise philosophical and theoretical questions, others explore innovative law – attempts to regulate newly introduced media technologies in East Africa, for example – while yet others explore the origins of law, going back in time to analyse the legal agreements of nearly forgotten societies that can only be glimpsed in scratches on fragile pieces of birch bark. What brings us together, as lawyers, sociologists, political scientists, economists, anthropologists and others, is our desire to understand the dynamic interactions between the legal and social, and to explore law in its many social contexts. But how can we compare the inferences we draw from those many social contexts? How can we gain knowledge and understanding of the universal aspects of the social phenomenon that law arguably is from the empirical evidence of how it exhibits itself, when that evidence is produced in a great variety of social settings that also change across time and geography?

To address those questions the Centre's research staff held a conference in December 2014 to explore the comparative dimension of socio-legal studies. The speakers were invited to identify and assess the possibilities offered by comparison between empirical studies of law, and to make a virtue of the richness of detail found in the case studies that have traditionally dominated research.

The conference was opened with two keynote speeches by David Nelken (*From pains-taking comparisons to pain-giving comparisons*) and Fernanda Pirie (*Comparison in the anthropology and history of law*). Discussions ranged from the abstract such as 'exploring the comparative: theoretical and analytical perspectives', to the more concrete 'possible limits to comparison'. There were down-to-earth regional comparisons such as 'Europe, Asia and the UK', and there were semi-philosophical ponderings such as 'ways of interpreting the comparative in socio-legal studies'.

The event showcased the variety of comparative approaches that exist in socio-legal studies and highlighted the opportunities offered by the comparative method as well as the challenges it faces. It became clear from discussion of the variety of methods used in the field, especially the relative merits of quantitative and qualitative approaches, that it is probably essential to further progress to build a methodological consensus about which research techniques are the most effective.

There was no attempt to provide a set of approved answers to the many questions posed around *what do we mean by comparative?* Instead the final session reflected upon, and contributed to, the links between the comparative dimension and the other topics that together form the map of current debates in the global socio-legal community.





CSLS hosts 'Law in Context' Early Career Workshop

The International Journal of Law in Context and the Centre for Socio-Legal Studies jointly invited early career scholars to participate in a workshop held in Oxford 29 – 30 June 2015. The purpose of this international workshop was to bring together scholars at a relatively early stage in their careers to support them in developing research projects and preparing publications to submit to scholarly journals in the field of socio-legal studies.

It feels strange when a Moscow NGO where I spent five months of 2014 has been denounced as a 'foreign agent'.

The Civic Assistance Committee (CAC) is one of Moscow's non-governmental organisations. It is the partner of the United Nations High Commissioner for Refugees (UNHCR) in Russia, responsible for UN work with refugees and migrant workers in the whole of that country. I chose it as one of my field sites for research because it holds regular pro bono legal aid clinics for migrants and refugees. Since 1991 it has been the first point of contact for people who seek asylum in Russia only to find that if they are to succeed they must navigate their way through the status determination procedures operated by the Federal Migration Service (FMS), which is responsible for the routine task of issuing visas and work permits and deals with refugee and asylum claims.

My fieldwork in Russia, supported by a British Academy post-doctoral fellowship, looked into the experience that migrants, refugees and legal professionals have had of how Russian immigration law works in practice. Russia is the second-largest destination for migrants globally (after the USA), so I selected it to help me to develop a global socio-legal approach to migration analysis that could draw upon an information source beyond the much better-documented experiences of migrants in European and North American countries. My project focused on the consequences in the everyday lives of migrants of the labels that the state uses about them officially, such as 'legal', 'illegal', 'civil' and 'criminal'.

In Moscow I received a very warm welcome at the Civic Assistance Committee. For several months the CAC lawyers entrusted me with a space in the open-plan office where they see their clients, enabling me to observe the interactions between the lawyers, their clients, the interpreters, the UNHCR and the FMS. I supplemented my daily observations in the office by

a series of in-depth interviews with representatives of each group. In due course I was able to compile a substantial set of material about (1) migration and refugee laws in Russia and how they work in practice, (2) the role that each of the institutions that I have mentioned plays in mediating the access to justice that migrants have in Russia, and (3) the expectations, outcomes and consequences of a series of legal cases about migration and refugee issues, together with the experiences of everyone involved in them.

Recently I heard the news that the Civic Assistance Committee has been denounced by the Russian Ministry of Justice as a 'foreign agent'. That particular term is sinister. Its symbolism is all too clear to everyone in Russia, 'especially to anyone who lived during and after the Stalin era', as a CAC staff member put it. From a legal perspective the basis for the claim that the CAC/UNHCR is a 'foreign agent' is not at all clear. It is accepted global practice that NGOs in many countries are supported with funds that are non-governmental and often international in origin. Whilst CAC appealed the denunciation in Russian Court, the decision to label CAC in this way casts doubt on the future of all non-governmental organisations in Russia.

Despite this setback, the Civic Assistance Committee remains one of the very few places in Russia where migrants and asylum seekers can find a true refuge. We can only hope that it will be allowed to continue.

Agnieszka Kubal

New Collaborative Socio-Legal Research Project on Informal Consumer Protection

See website: for more information on this project



Civil Justice Programme

The Swiss Re/CMS Research Programme on Civil Justice Systems has continued to undertake leading-edge research on a series of areas of dispute resolution, and to advise policy-makers on innovative reforms. The team is not short of projects that have impact!

1 Firstly, the national landscapes and modes of operation of consumer – trader disputes are undergoing transformation across Europe with implementation of the EU **CONSUMER ADR** (Alternative Dispute Resolution) Directive. Chris Hodges (who was in 2014 appointed the first Professor of Justice Systems in the University) and Dr Naomi Creutzfeldt are the leading academic experts in that field, and have been in constant demand to advise governments, ombudsmen, and consumer and business organisations. Naomi has also progressed her ESRC-funded ‘Trust in Ombudsmen’ project, prompting a flood of consumer feedback on ombudsmen systems in several countries. Both have spoken at various conferences, and Chris in the European Parliament. Chris was retained by the Civil Aviation Authority to assist it and the airlines in creation of an ADR system, enabling the CAA to cease its internal complaint service. Naomi and Chris have spoken on ADR at events across Europe. Advice has been given the UNCTAD on resolution of international business human rights issues.

2 Secondly, Dr Sonia Macleod and Chris Hodges have researched **NO FAULT INJURY COMPENSATION SCHEMES** from New Zealand to Japan and USA to the Nordic states. Their book should be published around the end of 2015, revealing a wealth of different schemes and important operational details – and pitfalls to be avoided. Based on this unique and little-known body of knowledge, they have been advising the UK and Scottish governments on options for reform of personal injury compensation arrangements.

3 Thirdly, Dr Rebecca Money-Kyrle has continued research on the developing forms of **collective actions** (class actions) across Europe. She has published various articles and book chapters and been in demand as a speaker at conferences, such as in Berlin, Bayreuth and Uppsala. Her book should be completed shortly.

4 Fourthly, Chris Hodges has completed a substantial project on **REGULATORY AND ENFORCEMENT SYSTEMS**, published by Hart in mid-2015 as *Law and Corporate Behaviour: Integrating Theories of Regulation, Enforcement, Compliance and Ethics*. He found little empirical evidence to support theories of deterrence or economic rational calculation as means of sensibly affecting behaviour through ‘enforcement’. Instead, he found both theoretical (behavioural psychology and responsive regulation) and practical evidence (from a review of the enforcement policies issued by many UK regulators and case examples) that supports a policy based on identifying the causes of infringements, so as to be able to address them directly. He also noted that many regulatory systems (as diverse as financial services, food safety, workplace health and safety, pharmaceuticals and civil aviation) are based on the need for collaboration between public officials and corporate compliance and management systems, such that an adversarial culture is counter-productive, whereas a collaborative culture is essential. Furthermore, Chris has discussed the idea of ‘ethical regulation’ with officials and leading companies. Discussions on implementing policy based on these findings have occurred with authorities in numerous sectors in UK (with the support of the Department for Business and the Better Regulation Development Office), and elsewhere (such as OECD, the Portuguese government, and the Hong Kong Securities and Futures Commission). He has lectured on these findings at the Universities of Stockholm and Oslo.

5 Fifthly, Chris Hodges and economist colleague Dr Chris Decker have undertaken a project on **GOVERNMENT-SPONSORED VOLUNTARY REGULATION** sponsored by the British Retail Consortium. This prompted inclusion in the Chancellor’s 2014 Autumn Statement of a new procedure for referring such regulatory proposals to the Regulatory Policy Committee. He also spoke at the European Commission’s Community of Practice forum in April.

Programme in Comparative Media Law and Policy



*Field work in
Kisumu, Kenya*

PCMLP at the Centre for Socio-Legal Studies is a research and policy programme that brings together scholars, policy-makers and practitioners to study contemporary issues in global media law and policy. We have a particular interest in understanding new information and communications technologies and governance in transitioning and fragile states. We strive to do this from different perspectives and we emphasise the importance of the culture and values of all the actors, both local and international.

From the Charlie Hebdo attacks in Paris to the launch of platforms such as Facebook's internet.org, which aims to extend the internet to those in the poorest regions of the world, there have been plenty of issues around free speech and internet policy for those of us involved with the Programme in Comparative Media Law and Policy to debate and discuss. PCMLP is an outward-looking programme, and many of these issues were explored through workshops and research partnerships with universities in Asia, Africa and the Middle East.

In October, PCMLP joined a tripartite group including Peking University and Stanford University to launch an early global event on Internet Law. The first conference of the series was held in Beijing and we look forward to welcoming our colleagues to Oxford in November 2015. This collaboration is aimed at developing a comparative understanding of how issues such as the right to be forgotten, digital rights and hate speech online are addressed in different national contexts, as well as on an international level.

Other major events on the PCMLP calendar included the third year of our regular Information Communications Technology (ICT) for Development seminar series. This series, held in Hilary term, is organised in partnership with the Oxford Internet Institute and the Department for International Development. This seminar series saw a range of exciting speakers come to Oxford including Padraig Carmody (University of Dublin) and Vivek Srinivasan (Stanford University).



Radio Nam Lolwe, Kisumu, Kenya

Research

On the research front, PCMLP further deepened our research agenda and partnerships in Africa. We were delighted to launch a major new project, funded by the UK Foreign and Commonwealth Office, on online speech and elections in Ethiopia. This project focuses on both hate speech and conciliatory speech online, particularly around the May 2015 elections. PCMLP researchers, in collaboration with Addis Ababa University, have worked to develop and refine a methodology for both identifying and coding different types of speech and their repercussions on the political debate in Ethiopia. Our research continued elsewhere on the continent through an EU project on Media, Conflict and Democratization that includes case studies on Kenya and South Africa (in addition to Egypt and Serbia) and focuses on constitutional conflicts, civic conflicts, transitional justice and conflicts surrounding accountability and governance.

Nicole Stremlau

Law and Finance

We are delighted to report a fifth year of continued growth for the MSc in Law and Finance (MLF). The MLF now counts over 150 alumni, located in 38 countries around the globe. The successes of our alumni have helped the programme establish a very strong reputation, which in turn is reflected by an increase in application numbers for 2015 – 16. As well as being highly sought after by the world's leading law firms, MLF graduates are making an impact in an exceptionally wide range of roles: from investment banking, management consulting and asset management to financial policy-making, regulation, development and academia.

2014 – 15 saw the launch of a new MLF 'Finance Stream'. The Finance Stream enables students who want to explore finance in greater depth to substitute one of their law electives for further electives offered by the Saïd Business School. Students enrolled in the Finance Stream in 2014 – 15 took a mandatory course in Corporate Valuation, and chose one elective from a range of courses including Private Equity, Assessment Management, Entrepreneurial Finance, and Mergers, Acquisitions and Restructuring. The Finance Stream is yet another example of the Faculty's commitment to innovative teaching at the cutting edge of law and finance.

The Faculty is also committed to ensuring that the best students from around the world are able to come and study on the MLF. We are delighted that the Faculty of Law and Saïd Business School have together been able to support five students through this year's course with need-based financial aid. Sherman & Sterling also generously supports a specialist internship available exclusively to MLF students. We anticipate the development of additional internships and other funding opportunities will be made available in future years.

Read about Freshfields Professor of Commercial Law Horst Eidenmüller's recent conference on European Corporate Insolvency at bit.ly/1JEEidG.

MLF 2014/15 students
Photos: John Cairns.



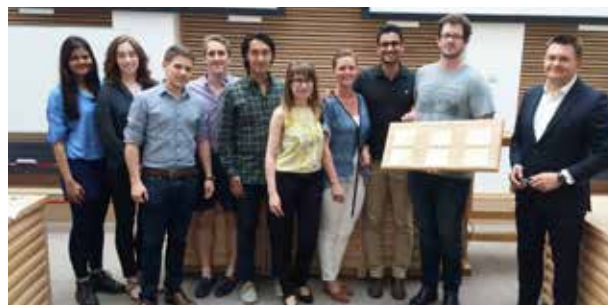
MLF students compete for case study crown

On 6 June 2014 the Faculty of Law hosted the inaugural Oxford Law and Finance Case Study Competition. The competition involved five teams of students enrolled on the MSc in Law and Finance. Each of the teams was asked to give corporate valuation and transaction structuring advice on the basis of a case study involving the distressed acquisition and restructuring of a global fitness chain. The case study was developed by Dan Awrey, Associate Professor of Law and Finance, and Justin Bickle, Managing Director at Oaktree Capital Management. The winning team included students Ogechi Nzewi, Corey Metzman, Dolf Diemont, Antonios Chativasileiadis, Matteo Angelini, Shanshan Huang, Janine Leeder, Demetrio Martinez, Nicolas Osio and Aishwarya Kanakath.

The second annual Law and Finance Case Study Competition was held on 5 June 2015. The winning team included Alexander Goddard, Balazs Lam, Sebastien Cusson, Michael Gorrie, Natalie Barnes, Kriti Sharma, Aakash Desai, Natalia Pushkareva and Christina Smits, all pictured right with Justin Bickle from Oaktree.

We would like to take this opportunity to thank our many supporters, including those leading practitioners who have given their valuable time and energy to participate in the delivery of the course, attend careers events and serve on the MLF Advisory Board. Special thanks in particular go to Hogan Lovells for their far-sighted support for the programme, including an invaluable mentoring scheme for students and their generous hosting of our London alumni event in March. In addition, we thank Davis Polk and Clifford Chance who kindly sponsored the welcome and farewell dinners respectively for this year's students.

We look forward to meeting our 2015 – 16 intake in September: a challenging and rewarding experience awaits them.



Jesse Fried at the Faculty

Jesse Fried held an Astor Lecture at the Faculty on Wednesday 20 May 2015. The lecture focused on the governance arrangements of venture capital-backed start-ups in the US, and the challenges these arrangements pose for governance and corporate law. In most venture capital-backed start-ups, venture capitalists (VCs) holding preferred stock gain control of the board, leaving common shareholders (ie the entrepreneur) without any power to protect themselves from the preferred. VC board control can generate considerable costs: the VCs may use their power to prematurely sell the firm, capturing all of the sale proceeds through their liquidation preferences and wiping out common shareholders. He also showed how Delaware courts have failed to adapt fiduciary law to the specific context of innovative firms with sophisticated financiers, leading to decisions which fail to provide the relevant parties with the right incentives. The lecture closed by

suggesting that Delaware consider giving private corporations formed and financed by sophisticated parties, including VC-backed start-ups, the ability to opt out of current fiduciary law and tailor director fiduciary duties to their particular circumstances.

The lecture attracted law scholars and students as well as those from the Saïd Business School and included a lively Q&A session. Professor Fried also held a Law and Finance Seminar on 'Alibaba, the Rise of Law-Proof Insiders, and Some Tough Questions for U.S. Regulators' on the following day. The University of Oxford's Astor Lectureships provide funding for visits by distinguished academics from the United States. They are awarded annually to enhance cooperation between Oxford and US academics.



Commercial Law Centre



The Commercial Law Centre at Harris Manchester College aims to provide an environment for high-quality research in all aspects of national, international, transnational and comparative law relating to commerce and finance, with scope for particular attention to be paid to emerging markets. The Centre supports interdisciplinary research in these fields, and seeks provide an opportunity for interaction between academics, practitioners and policy-makers from around the world. The Centre aims to nurture and encourage the researchers of the future in this important area of legal scholarship. Programmes for senior academic visitors (for established academics) and junior academic visitors (for early-stage academics) have been initiated.

Launch of the Centre

The Commercial Law Centre was launched in November by a lecture given by Professor Charles Mooney, Charles A. Heimbold, Jnr Professor of Law at the University of Pennsylvania Law School, entitled 'The (II) Legitimacy of Bankruptcies for the Benefit of Secured Creditors'. Professor Mooney discussed the cases for and against allowing a secured creditor with security interests over all the assets of an insolvent company to use the bankruptcy procedure under US law to effect a sale of the business and pay itself out of the proceeds. While Professor Mooney made clear his preference for the 'For' case, he also pointed out that some restrictions were necessary to avoid abusive behaviour and to protect other creditors. There was some very lively discussion after the lecture, including many comparisons with the position under English law.

A podcast of the lecture is available at bit.ly/1B0m07p.

Commercial Law Centre Lecture Series

Keep up to date on this series on the Centre's website: www.law.ox.ac.uk/discussion_group/ComLawCentre



Lecture and webinar on the Statutory Review of the Australian Personal Property Security Act

The third lecture in the series was given on 27 May 2015 by

Associate Professor David Brown of the University of Adelaide and was sponsored by Norton Rose Fulbright. The session was chaired by Professor Hugh Beale, a senior research fellow at the Commercial Law Centre, and Professor Louise Gullifer, the Director of the Centre, commented.

Independent Directors in Singapore: Puzzling Compliance Requiring Explanation

This lecture was given by Dr Dan Puchniak, Associate Professor, Faculty of Law, National University of Singapore in February.

Current Issues in Corporate Insolvency Law

A highly successful one-day conference on current issues in insolvency law was held in January, organised by Professors Louise Gullifer and Jennifer Payne and Clifford Chance Associate Professor of Law and Finance Dr Kristin Van Zwieten, under the joint auspices of the Faculty and the Centre, and generously funded by Travers Smith.

Bodleian Law Library



**Bodleian
Law Library**

50th Anniversary ~ 2014

The Bodleian Law Library passed an important milestone in October 2014, when it celebrated 50 years as a separate library within the Bodleian Libraries. We marked this major event by producing an exhibition which was displayed in the library and online, as well as publishing a booklet to mark the occasion.



© Stuart Cox

The book, **Celebrating 50 years of the Bodleian Law Library** featured contributions from over 60 alumni who had been here in the mid-1960s and who kindly shared their memories with us. Links to both the book and the exhibition will be retained permanently on the Law Library's website at www.bodleian.ox.ac.uk/law/about/building.

2014 was also the year we became involved with the law library at the University of Yangon, as part of the Faculty's efforts to help revitalise undergraduate education after a 50-year hiatus. The Law Library contributed many books, and we are now seeking support in order to fund bookshelves, and a law librarian, to help take the library to a level of service that can support the teaching.

Our teaching within the curriculum continues, with the successful compulsory first-year Legal Research and Mooting Skills Programme providing core skills in paper and online research to every first-year undergraduate. This programme continues to be supported through the generous contribution of one of our benefactors, Freshfields Bruckhaus Deringer, who helped establish it in 1999.

Extensive inductions for new postgraduates, both taught and research, continues, to ensure our students and faculty know of the breadth of resources and services available to them. Despite the growth of electronic resources, we are adding up to 60 new law books every week to the collection, many as a result of the Legal Deposit Scheme. We expanded the electronic

offering which now includes a wide collection of e-books as well as databases from more than 50 jurisdictions. The library staff have written some 80 LibGuides to legal topics and jurisdictions, all freely available at <http://ox.libguides.com/lawindex>.

We are fortunate to have the support of several firms such as Baker & McKenzie, Slaughter and May and Weil Gotschal Manches to provide our extensive range of e-resources; this is greatly appreciated.

This past year we extended the weekend opening hours of the library; the continuing generosity of Hogan Lovells, whose support commenced over 15 years ago, ensures we can provide most library services to weekend researchers.

A major refurbishment to the St Cross Building will start later in 2015; this will result in some upheaval for the library service and collections through to late 2016. In preparation we are sending some 2,000 linear metres, or 60,000 volumes, offsite to the Bodleian's Book Storage Facility. Preparing the volumes has been a major undertaking since December 2014; the books mainly comprise US law reports and journals which are accessible online, and the service from the BSF means they can also easily be ordered to the library. The refurbishment will cause disruption, but the final result should see a revitalised Law Library with a more welcoming entrance, and a variety of seating areas for readers.

Thank you to our funders for their ongoing support, and to our alumni for your involvement in our Memories project. Whenever you find yourself in Oxford, please come by to reminisce in our wonderful library.

Ruth Bird

See page 4: St Cross Building at 50



The Tax Group in the Faculty of Law works closely with the Oxford University Centre for Business Taxation, where two of the lawyers in the group (Dr Anzhela Yevgenyeva and Professor John Vella) are based. In this general election year, the group has been active in commenting on the tax changes during the periods of the coalition government, the OECD's base erosion and profit shifting actions, EU developments and UK tax policy.

Tax Law Group

Pinsent Masons Professor of Taxation Law Judith Freedman and John Vella have presented papers to policy-makers at HMRC and HMT and attended meetings with them on particular issues, both before and after the election. Most recently, Judith Freedman has spoken to the revenue authorities on tax simplification and reforming tax policy-making and spoke at a meeting of The Law Society on Tax and the Rule of Law. John Vella presented a report on aggressive tax-planning by multinationals before a committee of the European Parliament and a paper on the bank levy at a conference organised by the European Commission and the IMF. Glen Loutzenhiser chaired a panel discussion on policy and practice issues in the taxation of employment benefits and deductions at a residential conference hosted by the Institute for Fiscal Studies.

The European Law Faculties Association (ELFA) awarded the 2014 ELFA First Award for the best thesis on European Law to Anzhela Yevgenyeva for her thesis on direct taxation and the internal market, which was supervised by Judith Freedman and Stephen Weatherill, Jacques Delor Professor of European Law. Tax research is necessarily integrated with other areas of legal work and Anzhela's contribution illustrates this perfectly.

MSc in Taxation

The Tax Group has been particularly busy this year developing a new part-time taught master's-level degree in taxation. This has required detailed planning

and steering through several committees, but we are pleased to report that the new MSc in Taxation degree has now been approved and will commence in September 2016. This innovative, interdisciplinary degree will cover national, European, international and comparative taxation. Managed by the Faculty of Law, working with the Oxford University Centre for Business Taxation, the degree programme will be taught by the lawyers and economists at the Centre and in the Faculty, together with distinguished visitors including Dr Philip Baker QC of Field Court Tax Chambers and other leading practitioners, as well as senior tax academics from around the world. Experts in other areas of law, such as public law, will participate as will accounting specialists. Students will have college affiliation, and will take the course over two years, with three one-week residential blocks spent in Oxford during that period and other teaching delivered in short sessions in Oxford, mostly at weekends. The MSc in Taxation is expected to appeal to a range of students, from a variety of disciplinary backgrounds, for whom part-time study will be convenient: practitioners in law and accounting firms, those working in revenue authorities, those who are on a career break and considering returning to a tax career and those contemplating an academic career in taxation. Anyone interested in the new degree programme is encouraged to contact Judith Freedman (judith.freedman@law.ox.ac.uk) or Glen Loutzenhiser (glen.loutzenhiser@law.ox.ac.uk).

Academic profile: Anzhela Yevgenyeva

Anzhela is a Research Fellow at the Oxford University Centre for Business Taxation, and teaches EU tax law and EU law at Oxford. She is the Managing Editor of the loose-leaf encyclopaedia *The Law of the EU* (Oxford University Press), and one of the convenors of the Oxford EU Law Discussion Group and CBT Tax Research Series. Her doctoral thesis was previously granted an Honourable Mention in the competition for the 2013 Mitchell B. Carroll Prize by the International Fiscal Association, given for exceptional doctoral research dealing with tax matters.



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Teaching law in Myanmar



Adrian Briggs

As part of the Faculty's programme of extending a helping hand to the law schools of Myanmar, Adrian Briggs (in September 2014) and Andrew Burrows (in February 2015) made working trips to the law faculties of Yangon University – the former Rangoon University – as well as shorter visits to Dagon and East Yangon Universities. The primary purpose was to teach: not only to impart legal knowledge, but also to demonstrate ways of teaching which, though tried and tested in Oxford, are unknown in Myanmar. A secondary purpose was to gain a clearer view of the form in which help can be donated in a way which assists, rather than hinders, the donees.

Myanmar is a lost outpost of the common law world. Although it had (and still has) volumes of laws made under the British administration, and had courts which behaved like courts in common law jurisdictions until the mid-sixties, a series of calamitous events saw the country expel foreigners and close its doors to the outside world, remove professionally qualified judges from the bench, turn law into a vehicle for state oppression, and even close the law schools. These measures have now been rescinded, but the damage which they did has yet to be fully undone. We found, in all three law schools which we visited and in which we lectured, staff and students anxious to make up for lost time, but having to deal with problems which would defeat all but the most heroically determined.

Teaching is required to be done in English. As practically no-one on the teaching staff will have learned his or her English from a native speaker, the level of fluency is low, the level of comprehension questionable. It may be that we made more of an impact as exponents of legal English than we did as instructors in the general principles of English law. So far as the various forms of teaching which we tried were concerned, going through the kinds of problem questions set in Oxford tutorials

and examinations was plainly something which no-one in Myanmar had encountered before, but was also one of the teaching skills which should be relatively easy to transfer. What was more alarming was the extent to which source material was incomplete. For contract, the Contract Act of 1872 is a remarkable document. In need of refurbishment when measured by the standards of contemporary common law and statute, it still represents a magisterial, coherent statement of the common law as the Victorian codifiers understood it, and it offers as much to those interested in the history of the common law as it does to daily commerce in Myanmar. For private international law, jurisdiction and the effect of foreign judgments are, more or less, legislated for, but choice of law is practically virgin territory. And as for the law of tort, apart from a Fatal Accidents Act derived from Lord Campbell's Act of 1846, it appears that the whole of the rest of the law is derived from a statutory rule which directs a court, in the absence of other written laws, to decide in accordance with 'justice, equity, and good conscience'. Even if that is read as a covert reference to the principles of English law, it makes the task of teaching the real law of tort – as distinct from a hypothetical law of tort – extraordinarily difficult. Perhaps tort law is

naturally like that: after all, the modern law of negligence rests, it seems, on the Atkinian injunction that 'you must not injure your neighbour'. But in Myanmar, it seems, the basic principle remains unelaborated.

Resources available to those working in the law schools are frankly poor. While there is a fairly reliable connection to the internet, books are in short supply, and useful books practically non-existent. Everything needs to be done at once, but resources for actually doing anything are hardly there. We were both struck by the way in which outside assistance, unless offered in response to careful listening, may be perceived as done for the vainglory of the donor, rather than for the benefit of the recipient. That is why, in focusing our efforts on teaching, we may be able to do something which is simply and unconditionally helpful.

We were both greatly affected by the kindness of those who received us into their schools, and by the palpable sense that everything Oxford could offer, especially on the teaching front – research, as we understand the term, is primarily a task for another day and another generation of students – would be received with simple and uncomplicated gratitude. But how to execute that help will require thought and reflection. We may write books: indeed, production of the first book on private international law in Myanmar is well underway. We may be able to make recordings of lectures and other forms of class, so that while we may do it only once, the result may be viewed over and over again, and used as much for language as for legal instruction. The challenge and opportunity of resurrecting the common law is one which neither of us had expected to face at this stage of our careers. It is completely absorbing.

We would particularly like to thank Andrew McLeod, who chairs the Faculty's steering group on the Myanmar initiative, for his hard work and enterprise in helping to ensure that our visits ran more or less according to plan.

Professor Adrian Briggs and Professor Andrew Burrows

'We were both greatly affected by the kindness of those who received us into their schools, and by the palpable sense that everything Oxford could offer... would be received with simple and uncomplicated gratitude.'

Andrew Burrows



The Master Weaver



It is tempting to see what university law faculties do in linear terms – the publication of books and articles and the delivering of courses occurring along single lines of production. But high-quality teaching and outstanding scholarship are not manufactured through the refining of isolated strands. They are the outcomes of something far more substantive produced by the weaving together of multiple threads of activity. This is not just within a community of academics but also by connecting those academics with other communities of scholarly and legal activity within a university and outside it. A great law school is a dense and carefully wrought tapestry produced through the creative and industrious work of many.

I say all this because, in reflecting on Professor Timothy Endicott's time as the first Dean of the Law Faculty 2007 – 15, what strikes me is how much his leadership has been about evolving the Oxford Faculty of Law into a tapestry that it never dared imagine it could be, but which has remained true to what it has always been. When I arrived as a graduate student in the 1990s the Faculty was a gauze-like structure with little in the way of Faculty administration or even identity. As most students will remember from that time and earlier, besides the Bodleian Law Library, the St Cross Building could feel a rather empty place (with no good coffee!). The Faculty had its strengths – academic freedom, fabulous teaching, wonderful scholarship – but the different threads were only loosely tied together. The colleges were the main focus of activity.

That began to change under successive Chairs of the Law Faculty Board in the early 2000s who started to build a Faculty administrative team. The creation of the post of Dean in 2007 was due to the realisation that the Faculty needed a full-time leader to support its activities. In part this was a response to the changing higher education environment, but more significantly it was because the Faculty was beginning to do more both in terms of teaching and research. But the Deanship was leadership of a particular sort – the Faculty has never

been strong on management hierarchy and the Dean has no significant executive authority. Law Board is the governing body of the Faculty. Timothy thus took on a unique and challenging role. He could not lead by telling us what to do; he needed to lead through deliberation, and consensus and by example.

And that is exactly what he has done. During Timothy's time as Dean, the Faculty has been transformed into something that has preserved the very best of the original structure but made it more durable and more thickly wrought. He did this through patiently and astutely bringing people together in the Faculty and inspiring and encouraging action. This has been on many fronts and in everything Timothy has done he has always been pragmatically committed to integrity and real attention to detail.

The first and most visible of Timothy's achievements has been Phase I of a major transformation of the St Cross building – a process that required both vision and patient work with many different groups. That Phase resulted in the creation of a sizeable Faculty administrative workspace and new Faculty teaching rooms (including The Cube). It also now has a place serving great coffee. Phase II will hopefully begin soon and Timothy was instrumental in bringing that into being.



But Timothy's leadership extends far beyond the reimagining of the St Cross building. He has fostered the intellectual community of the Faculty of Law on all fronts. He has ensured that tutorials continue to be at the core of our undergraduate teaching method through building up and maintaining the academic membership of the Faculty in a sustainable way. Under his Deanship, our graduate research and teaching degrees have flourished. He has encouraged a range of scholarly and research activities and our success in the recent Research Excellence Framework is no surprise. He has also fostered links with the profession and with other scholarly institutions across the world (most notably in Asia). The Faculty administrative team has grown to support all these activities. Remarkably, in doing all this he has continued to work on his own scholarship.

None of this has been the product of Timothy waving a magic wand and declaring 'Let it be so.' It has been done by his working tirelessly, intelligently and in a collective spirit. This is particularly important in the collegiate environment of Oxford and building the Faculty has been in close co-operation with the colleges and the wider University. In doing all this Timothy has been calm, kind and decent and has ensured that these values have been part of the *modus operandi* of the Faculty.

He has also been honest in a very constructive way. I remember Timothy giving an introductory talk to 1st-year research students where he described what they were doing as carrying high risks – success in a taught degree does not necessarily translate into success in a research degree. He then reflected on his own scholarly path. Such frankness was inspiring – not only allowing students to understand the nature of the task they were undertaking but also allowing them to understand what real success means in the research context.

So let me end by reflecting on risk and success with equal frankness. Timothy's Deanship has obviously been a great success, but saying that underestimates what he has achieved. Being the first Dean of the Oxford Faculty of Law was a high-risk enterprise – the Faculty was and is a complex institution and leading a group of people not used to being led has many pitfalls. The loose strands of the 1990s could have split apart rather than being knitted closely together. The process of transformation could have resulted in the academic spirit of the Faculty being lost. None of this happened. The Faculty today is a flourishing and vibrant community. That owes much to Timothy and to his bravery, tenacity and vision.

Liz Fisher

A Note of Appreciation from the Social Sciences Division to a Demitting Dean of the Faculty of Law

Timothy Endicott's term as Dean of the Faculty of Law started just six months before my own as Head of the Social Sciences Division. I was amazed how much he seemed to have learned in such a short space of time.

When Neil MacFarlane finished his term as Deputy Head of Division in 2010, I had no hesitation in asking Timothy if he would be willing to take on the challenge of the role alongside being Dean. To my great relief, he agreed and made the role his own. He not only represented the division on a wide range of major University committees – everything from the Health and Safety Committee to the Teaching Fund Board – but he helped set policy on a wide range of major issues including personnel, research and teaching. For the past three-quarters of a decade, I have relied on Timothy's quiet guidance and support.

It should, of course, be no surprise that Timothy could take in his stride being simultaneously both Dean of the Faculty of Law and Deputy Head of the Social Sciences Division. He has the almost perfect skill set. On the one hand, there is the Timothy reflected in the persona of the Rhodes Scholar, Captain of the Harvard Rugby Club (google it) and a commercial lawyer. On the other hand, there is the Timothy reflected in the persona of the more reserved, careful legal philosopher and academic lawyer with the lawyer's eye for combining detail with a clear understanding of the broader canvas. What more could a division in a university as complicated as Oxford want in its deputy than the author of a book entitled *Vagueness in Law*?

As Liz Fisher has shown, the Faculty of Law has achieved an astonishing amount in the time that Timothy has been Dean in terms of academic excellence, improved facilities, financial stability, fundraising and governance reform. Most importantly, the Faculty has begun to change from a loose association of college-based lawyers into something more closely resembling a school of collective interests. While he would be reluctant to accept it himself, Timothy does indeed deserve a huge amount of the credit for all of these developments. He has done it through a mix of building consensus, steely determination and personal charm. Those skills, valuable as they are, would not by themselves have been enough to bring hard-bitten Oxford lawyers along with him. His single most important attribute has been being able to see what the major issues were that needed to be dealt with and then tackling them in a well-argued and logical manner; in short, clarity of vision combined with decisiveness of purpose and, of course, total integrity. Perhaps the greatest compliment that can be paid to Timothy is that he took a job that had never existed before and turned it into one which attracted a world-class field of applicants when we searched for his successor. As the division says thank you to Timothy for all that he has done, it welcomes Anne Davies to the role of Dean of the Faculty of Law.

Roger Goodman, Head of the Social Sciences Division

HONOURS

Antonios Tzanakopoulos

Antonios Tzanakopoulos elected Secretary-General of the International Law Association

The International Law Association elected Antonios Tzanakopoulos as Secretary-General of the Association. Antonios had been serving as the Joint Secretary of the British Branch, and will also continue in this role. The ILA was founded in Brussels in 1873 and states that its objectives are 'the study, clarification and development of international law, both public and private, and the furtherance of international understanding and respect for international law'. The ILA has consultative status, as an international non-governmental organisation, with a number of the United Nations specialised agencies.



Judith Freedman

Judith Freedman appointed Honorary Fellow of the Chartered Institute of Taxation

Judith Freedman, Pinsent Masons Professor of Taxation Law, has been appointed as an Honorary Fellow of the Chartered Institute of Taxation (CIOT).

The CIOT is the leading body in the UK for taxation professionals dealing with all aspects of taxation. Their primary purpose is to promote education in taxation and they aim to achieve a more efficient and less complex tax system for all.



James Goudkamp, Graeme Dinwoodie Dapo Akande

Appointments of Advisors to the American Law Institute

James Goudkamp, who specialises in tort law, was appointed as an advisor to the American Law Institute's *Restatement on the Law of Torts (Third): Intentional Torts to Persons*. In this role, James will travel to America to aid the ALI in addressing the torts of battery, assault and false imprisonment; the topic of consent to such torts; and certain defences, including self-defence, consolidating the Restatement Second's presentation of these issues.

Professor Graeme Dinwoodie has been appointed as an advisor to the American Law Institute's new project to produce a *Restatement of the Law of Copyright*; he is the only member of the group of advisors to the project who is based outside the United States. The Restatement (the first in Copyright Law) will encompass general copyright law, including the subject matter of copyright; the scope of exclusive rights granted by copyright; copyright formalities; rules governing ownership and transfer of copyright; copyright infringement; defences to copyright infringement; and remedies.

Professor Dapo Akande has become the third member of the Faculty of Law to be appointed to an international advisory panel of the American Law Institute this year. Dapo will be involved in the Institute's project to develop the *Restatement of the Law (Fourth) on the Foreign Relations Law of the United States*. This project will update the influential *Restatement (Third) of The Foreign Relations Law of the United States* which is nearly 30 years old. Initial topics for consideration include jurisdiction, the domestic effect of treaties and sovereign immunity.

www.ali.org.

PUBLICATIONS

You can find a complete list of everything published by the Faculty over the last year on our website: bit.ly/1HX5XoF. The list of books, chapters, journal articles and policy papers runs to the many hundreds. Over the next few pages you'll find details of a selection showing the variety of our recently published books.

A Theory of Discrimination Law

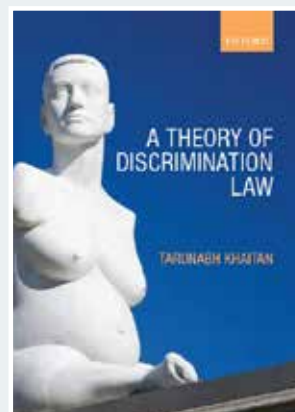
Tarunabh Khaitan

Can there be a satisfying theory of the complex, and politically charged, body of laws that prohibit discrimination? In this perceptive book, Tarunabh Khaitan shows that there can.... A Theory of Discrimination Law is an engaging, and engaged, work on an important area of law, by one of the most interesting new voices in legal theory. Professor Leslie Green, University of Oxford

Discrimination law is controversial, and central to the political and cultural battles of our times. This book provides a theoretical defence of this area of law drawing on insights from five jurisdictions and debates in contemporary political philosophy. The first part of the book considers questions such as what makes a legal norm a norm of discrimination law and what is the architecture of discrimination law. It offers a theoretically rigorous account of the *identity* and scope of discrimination law, explaining the doctrine in a clear thematic structure.

Having identified its identity and scope, the book asks what the *point* of discrimination law is. The second section of the book argues that it is to remove abiding, pervasive and substantial relative group disadvantage. This purpose is best defended on (an appropriate conception of) liberty rather than equality.

The final part of the book offers a theoretical account of the *duties* imposed by discrimination law. A common definition of the 'antidiscrimination duty' accommodates tools as diverse as the prohibition on direct and indirect discrimination and harassment, and provisions for reasonable adjustment. These different tools are shown to share a common normative concern and a single analytical structure. This section also defends the imposition of unidirectional and non-universal duties only to certain specific duty-bearers and explains the conditions under which affirmative action is justified.



The Concept of the Employer

Jeremias Prassl

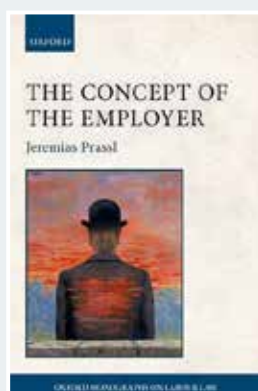
Employment law struggles to adapt to complex modern work arrangements, from agency work and service companies to corporate groups and Private Equity investors. Building on my doctoral research under Professor Mark Freedland QC (Hon) FBA, this book argues that the cause of this failure can be found in our concept of the employer, which has become riddled with internal contradictions: English law searches

for the unitary counterparty to a bilateral contract of employment by reference to a series of multi-functional tests. As a result of this tension, full employment law coverage is restricted to the narrow scenario where a single legal entity exercises all employer functions – a paradigm far from the fragmented reality of modern labour markets.

These problems can only be

addressed by a careful reconceptualisation leading to the development of a functional concept of the employer. The book draws on existing models in English and European law to develop a definition of the employer as the entity, or combination of entities, exercising functions regulated in a particular domain of employment law. Each strand of the received concept of the employer is examined in turn to demonstrate how this more openly multifunctional approach can successfully overcome the rigidities of the current notion without abandoning a coherent underlying framework. *The Concept of the Employer* fills a gap in employment law and corporate law by exposing the defects in our current understanding of the employer and by developing a new functional concept appropriate for both traditional and emerging work arrangements. Its ideas will also be helpful to practitioners and scholars working in related areas such as vicarious liability.

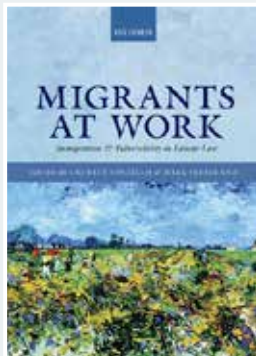
Jeremias Prassl is an Associate Professor at Magdalen College. His new project on Future Directions in European Employment Law will be funded by a British Academy Rising Star Engagement Award.



Migrants at Work: Immigration and Vulnerability in Labour Law

Cathryn Costello and Mark Freedland (eds)

This collection is the culmination of a collaborative project on 'Migrants at Work' funded by the John Fell Fund, the Society of Legal Scholars and the Research Centre at St John's College, Oxford; this volume brings together distinguished legal and migration scholars to examine the impact of migration law on labour rights and how the regulation of migration increasingly impacts upon employment and labour relations. Contributors include Faculty of Law members Alan Bogg, ACL Davies and Sandra Fredman, and Oxford migration studies colleagues Bridget Anderson and Martin Ruhs.



The collection identifies an important new area of law, the intersection of migration and labour law. It takes a multidisciplinary, comparative and international approach, examining UK, EU and international law on migration, labour rights, human rights and human trafficking and smuggling, developing cross-jurisdictional and multi-level perspectives. Chapters cover the labour laws of the UK, Australia, Ireland, Israel, Italy, Germany, Sweden and the US. References are also made to discrete practices in Brazil, France, Greece, New Zealand, Mexico, Poland and South Africa. These countries all host migrants and have developed systems of migration law reflecting very different trajectories. Some are traditional countries of immigration and settlement migration, while others have traditionally been countries of emigration but now import many workers.

There are, nonetheless, common features in their immigration law which have a profound impact on labour law, for instance in their shared contemporary shift to using temporary labour migration programmes. Further chapters examine EU and international law on migration, labour rights, human rights, and human trafficking and smuggling, developing cross-jurisdictional and multi-level perspectives.

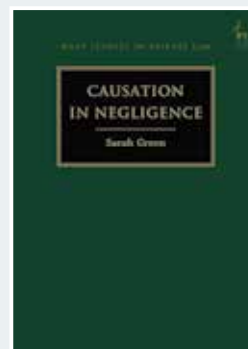
Causation in Law

Sarah Green

Causation in negligence has become complicated, convoluted and confused. As a result, it is regarded with trepidation by those forced to engage with it, whether student or Supreme Court Justice. Unlike some other legal minefields, whose conceptual difficulties are the result of academic neglect, causation has suffered from over-analysis or, at the very least, excessive micro-analysis, at the expense of attention paid to the whole. Somewhat unsurprisingly, this has led to a proliferation of theories, tests and approaches, not all

of which serve their intended purpose.

The objective of this book is twofold. First, it aims to provide an accessible means of navigating the infamously baffling case law in this area by disentangling the different 'types' of causal problems which arise, and classifying decided cases accordingly. This should make it far easier to establish which authorities apply to which factual situations; something which currently challenges courts across the common law world. For ease of reference, each chapter concerned with a substantive category of causal problem will begin with a list of illustrative cases, as well as a brief account of the distinctive features of that category. The main body of each chapter will then elaborate on why those cases and characteristics belong to the category concerned.



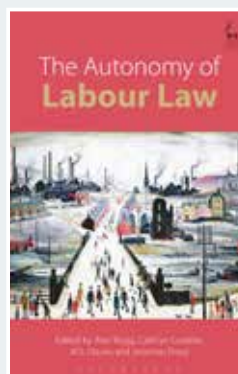
Alongside this objective lies another; one which, to some extent, makes the identification of separate categories of causal problems less significant than they are currently perceived to be: this work also offers a simple analytical formulation which is capable of dealing with all aspects of the causal inquiry in negligence, even those hitherto regarded as difficult. This formulation, referred to as the Necessary Breach Analysis, eschews detailed philosophical and theoretical handwringing in favour of pragmatic reasoning. After all, whilst it is open to philosophers and abstractionists to assign only secondary importance to practical conclusions, the lawyer has no such luxury.

Autonomy of Labour Law

Alan Bogg, Cathryn Costello, ACL Davies, Jeremias Prassl (eds)

To what extent is labour law an autonomous field of study? This book is based upon the papers written by a group of leading international scholars on this theme, delivered at a conference to mark Professor Mark Freedland's retirement from his teaching fellowship at the University of Oxford. The chapters explore the boundaries and connections between labour law and other legal disciplines such as company law, competition law, contract law and public law; labour law and legal methodologies such as reflexive governance and comparative law and labour law and other disciplines such as ethics, economics and political philosophy. In so doing, it

represents a cross-section of the most sophisticated current work at the cutting edge of labour law theory.



Contributions by current members of the law faculty include chapters on *Otto Kahn-Freund, the Contract of Employment and the Autonomy of Labour Law* (Mark Freedland), *Contractual Autonomy* (Hugh Collins), *Labour Law and the Trade Unions: Autonomy and*

Betrayal (Alan Bogg), *Autonomous Concepts in Labour Law? The Complexities of the Employing Enterprise Revisited* (Jeremias Prassl), *Migrants and Forced Labour: A Labour Law Response* (Cathryn Costello), *Labour Law as Public Law* (ACL Davies), *Equality Law: Labour Law or an Autonomous Field?* (Sandra Fredman), and *Efficiency Arguments for the Collective Representation of Workers: A Sketch* (Paul Davies). An introduction chapter by the editors traces Oxford Labour Law right to its origins in Otto Kahn-Freund's comparative law teaching, and the subsequent courses taught by Paul Davies and Mark Freedland which led, *inter al*, to the publication of *Labour Legislation and Public Policy* (Clarendon Series, 1993).

Formation and Variation of Contracts

John Cartwright



This book forms part of Sweet & Maxwell's Contract Law Library, and is a companion volume to *Misrepresentation, Mistake and Non-Disclosure* (3rd edn, 2012). The earlier book deals with defects in the formation of a contract; the new book looks at the formation of the contract itself: the pre-contractual negotiations and formation of the agreement; contract formalities (including deeds); and the doctrines of consideration and

promissory estoppel. A work of this kind cannot be limited to the formation of a contract, but must also cover two other situations: the breakdown of negotiations for a contract for which one party seeks a remedy; and the variation of a contract, given that in principle a new contract is required to vary an existing contract. However, it is in these two additional situations that much of the interest lies in English law: there being no general principle of pre-contractual liability, the English contract law books too often neglect the pre-contractual negotiations as a phase to be studied within the general scheme of contract formation; and it is in the variation of contracts that we see some of the controversial limits of the doctrine of consideration and the potential for further development of promissory estoppel. Indeed, the role of promissory estoppel in the variation of contracts brings us full circle back to the pre-contractual negotiations, since the refusal to allow estoppel to create new obligations (it acts only as a 'shield') deprives English law of a possible remedy when negotiations for a contract fail, although this is a context in which some other systems, notably in the American common law, have allowed estoppel to act as a 'sword'.

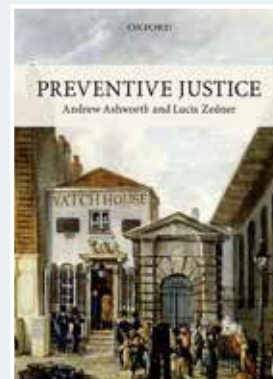
Formation and Variation of Contracts presents a detailed account of the rules of English law for the formation and variation of contracts, within a series of books aimed largely at practitioners. It seeks, however, to go beyond the simple presentation of the rules and to point out not only practical difficulties which flow from these rules, and their possible solutions, but also the areas where the law is open to possible development – drawing some comparisons with the approaches taken in other legal systems. No discussion

of problems arising within English contract law is complete without a recognition of how other systems, both common law and civil law, solve them.

Preventive Justice

Andrew Ashworth and Lucia Zedner

Today states increasingly use criminal law and coercive civil or administrative measures for the purpose of preventing or reducing the risk of future harm. In the name of public protection and security, states criminalise crimes of possession, preparation and other early conduct; incapacitate suspected future wrongdoers; and subject those deemed dangerous to extended or indefinite detention. In its many guises, preventive justice seeks to identify risks and take measures against those who have yet to do any harm. There are good reasons for the state to authorise coercive laws and measures to protect the public. Paradoxically, however, measures justified on grounds of security tend to undermine individual liberty and call into question a much older conception of security – the security of the individual from the state.



Yet the proper scope, limits and principles of preventive justice have attracted little doctrinal or conceptual analysis. *Preventive Justice* by Professors Andrew Ashworth and Lucia Zedner seeks to identify the range of coercive powers taken by the state in the name of prevention, focusing particularly on those powers that authorise the deprivation of liberty for preventive purposes. It aims to re-assess the justifications for those powers and the constraints that should be placed upon them and to argue that rule-of-law protections should apply to preventive powers no less than to criminal law.

In pursuit of these objectives, the book questions the validity of risk assessment tools and goes on to address controversial preventive measures such as police stop-and-search powers, police containment, pre-trial detention, civil preventive orders such as the former ASBO and the many other measures modelled on it, preventive criminal offences, indeterminate detention of dangerous offenders, counter-terrorism powers, public health measures involving deprivation of liberty, and the preventive rationale for immigration measures.

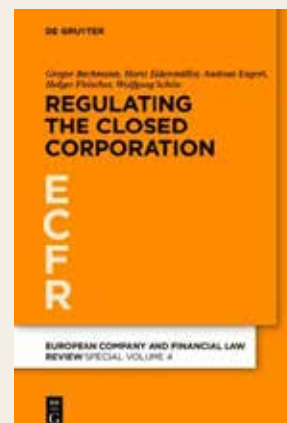
In *Preventive Justice* Ashworth and Zedner question whether these preventive measures are justified, whether they distort the proper boundaries between criminal and civil law, and whether they signal a larger change in the architecture of security. In what circumstances, and under what conditions, can deprivations of liberty be justified in the name of prevention and public protection? By re-assessing the procedural safeguards, the principled limits and the provisions for scrutiny, oversight and review that should apply, the book sets out to establish a framework for 'Preventive Justice' that is intended both as a guide and as a stimulus to further debate.

Faculty Prizes

Law Book of the Year 2014

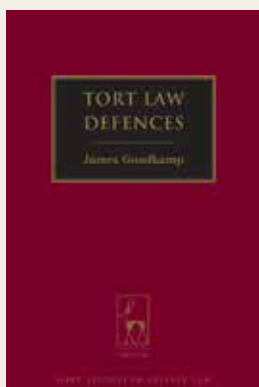
Freshfields Professor of Commercial Law Horst Eidenmüller co-authored *Regulating the Closed Corporation* (de Gruyter 2013), which has been named one of the law books of the year by a jury of distinguished German law professors, which included Nils Jansen.

The renowned authors of this ECFR special volume systematically develop legal standards and regulatory frameworks for closed corporations in Europe (including of course the Societas Privata Europaea), putting a strong focus on the economic practice and efficiency. The profound, in-depth analysis of the objectives and strategies comes to groundbreaking insights and also offers specific solutions for a multitude of practical aspects.



Regulating the Closed Corporation, Bachmann, Eidenmüller, Engert, Fleischer, Schön

Peter Birks Book Prizes for Outstanding Legal Scholarship 2014



James Goudkamp's book *Tort Law Defences* and Jure Vidmar's *Democratic Statehood in International Law: The Emergence of New States in Post-Cold War Practice* were announced as joint runners-up in the 2014 Society of Legal Scholars Peter Birks Book Prize for Outstanding Legal Scholarship. Both books are published by Hart Publishing.

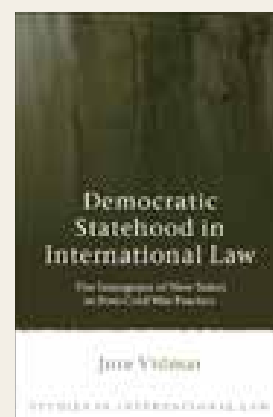
The law of torts recognises many defences to liability. While some of these defences have been explored in detail, scant attention has been given to the theoretical foundations of defences generally. In particular, no serious attempt has been made to explain how defences relate to each other or to the torts to which they pertain. The goal of this book is to reduce the size of this substantial gap in our understanding of tort law. The principal way in which it attempts to do so is by developing a taxonomy of defences. The book shows that much can be learned about a given defence from the way in which it is classified.

Tort Law Defences, James Goudkamp

State creation is a political process of overcoming a competing claim to territorial integrity. The emergence of a new state is not an automatic or factual occurrence upon meeting the statehood criteria. The process requires some democratic procedures to be followed. It often also runs in parallel with an internationalised attempt at imposition of a democratic political system.

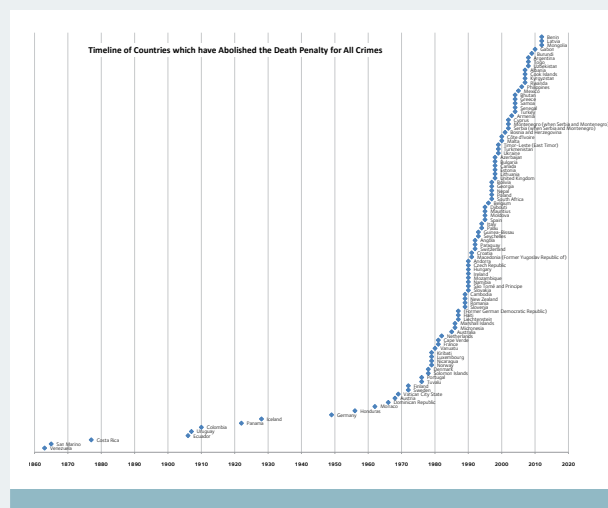
Democratic Statehood in International Law:

The Emergence of New States in Post-Cold War Practice, Jure Vidmar



highlights the inappropriate scope of the crimes and persons punishable by death, in particular for drug trafficking; the failure to protect the disadvantaged and mentally ill; the paucity of resources and inadequate procedures to ensure a fair trial; the failure to provide just clemency proceedings; and the dreadful state of death rows in many countries and other human rights abuses contrary to the international standards set by the ICCPR and the UN Safeguards Guaranteeing Protection of the Rights of those Facing the Death Penalty.

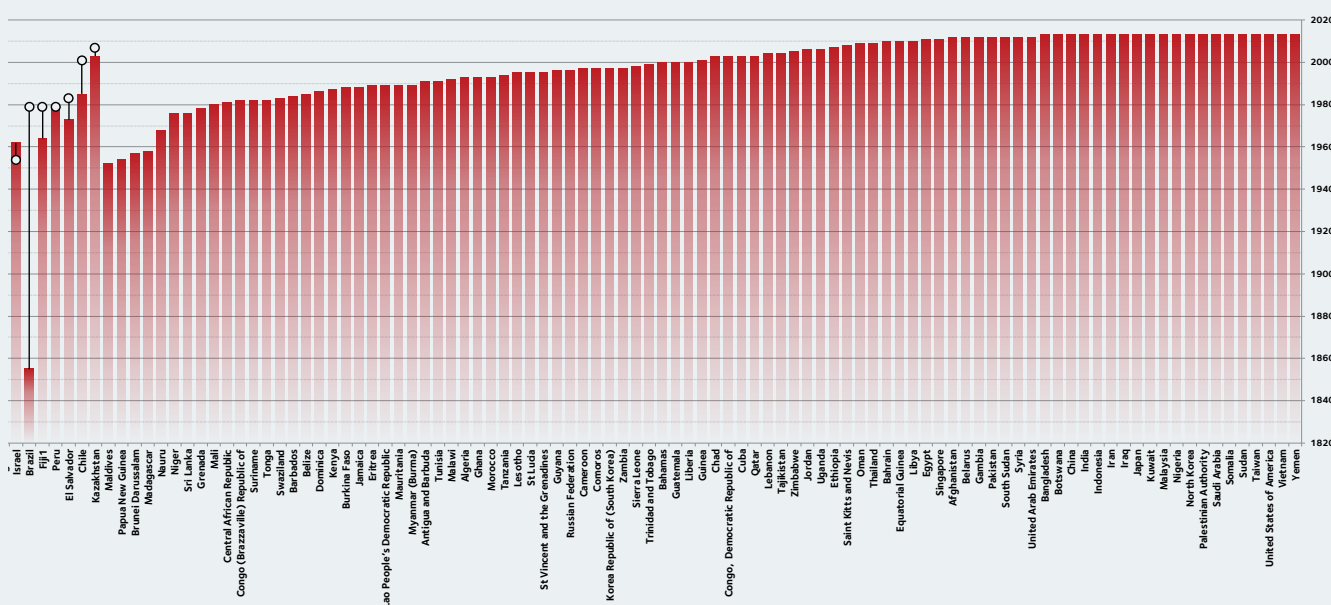
It reviews the evidence of the inevitable arbitrariness, discrimination and error that has been found in all death penalty systems and procedures – whether mandatory or discretionary – as well as the failure to provide proof of a unique deterrent effect on murder rates associated with the use of capital punishment. Attention has been paid also to the argument and evidence for the claim that abolition is impossible to achieve in the face of hostile public opinion. Not only is it concluded that the evidence is weak but also that popular sentiments should not override the duty of the state to protect all its citizens from arbitrary violation of their right to life and freedom from cruel, inhuman and degrading punishment. Finally, this volume tackles the question of what punishment should replace the death penalty and argues that any form of imprisonment should leave hope for the prisoner to be eventually paroled under supervision if shown by a competent authority to be no longer a danger if released. Life imprisonment without any hope of parole from the very beginning of the sentence is regarded as unnecessary, likely to lead to excessive punishment of persons who are not too dangerous to be released, and yet another form of cruel, inhuman and degrading punishment.



The spread of abolition throughout the world to include countries of varying cultures, religious creeds and social and political structures has severely undermined the argument of those who have taken a cultural relativist's position on this issue and added greatly to the normative and moral force propelling the abolitionist movement. Although largely European led, it has been embraced in South and Central America, in many parts of Africa and among many secular Muslim states such as Turkey and Senegal, and is beginning to make headway in Asia.

The situation on the global plane has undoubtedly moved towards universal abolition. Instead of abolitionists being on the weaker flank, constantly being called upon to justify their position, it is now the retentionists that are on the back foot. Most of these countries are recognising the need for reform to protect their national reputation in the human rights field, as is evident, for example, in China.

Carolyn Hoyle and Roger Hood



MOOTING

It has been the most successful year ever for Oxford Law mooting teams. With a continuation of many popular Oxford-based moots, the start of two new moots and the best-ever result for the Jessup team, we applaud everyone who has played a part in our achievements. These pages give an overview of all of the events from this year, with more details and photos available at www.law.ox.ac.uk/mooting.



Philip C Jessup International Law Moot Court Competition – UK Grand Final and International Round in Washington DC

The University of Oxford achieved its best-ever result in the international rounds of the Philip C. Jessup International Law Moot Court Competition, progressing to the semi-finals and thus finishing in the top four teams in the world. The team comprised Tinny Chan (Merton), Laura King (Merton), Sakinah Sat (St Catherine's), Esther Wong (Oriel) and Fibi Ward (Keble) (pictured).



The international rounds were held 5 – 11 April in Washington, DC. Oxford's team had been selected for the international rounds as a result of having finished in the top two teams in the United Kingdom competition, held in London in early March.

Price Media Law Moot Court Competition

The 8th annual International Rounds of the Price Media Law Moot Court Competition saw the team from the University of the Philippines (pictured) earn the Overall Winner title after a strong final match against the team from Singapore Management University. 35 teams representing a diverse range of countries (such as Belarus, Ecuador, India and Tanzania) competed, delivering impressive oral pleadings on free speech, religious expression and the regulation of social media.





Oxford Hong Kong Mooting Competition 2014

Byron Chiu (BCL 2015) and Karen Tsang (BA 2016) for the respondents beat Kate Chan (visiting student) and Brian Lee (BA 2016) for the appellants. This moot is generously sponsored by Clifford Chance. The Grand Final was presided over by the Honourable Mr Justice Ma, Chief Justice of the Court of Final Appeal of Hong Kong.



Sherman & Sterling Moot Competition 2014-15

The Grand Final was judged by the Rt Hon Lord Wilson of Culworth. All the four finalists, Mr Byron Chiu and Mr Chun Ho for the appellant, and Mr Daniel Goldblatt and Mr Stuart Sanders for the respondent, received praise for their skill and legal knowledge from Lord Wilson, but ultimately Mr Goldblatt and Mr Sanders were victorious.



University of Oxford 7 King's Bench Walk Commercial Law Moot 2015

The inaugural University of Oxford 7 King's Bench Walk Commercial Law Moot took place in London in February. 15 moots were held in just one day. Hosted by commercial barristers' chambers 7 King's Bench Walk (7KBW) and organised by the St Hilda's College Law Society in conjunction with the Oxford Law Faculty, the event brought together 24 students from across the University. The participants included postgraduate students and former Jessup mooters as well as many undergraduates and first-time mooters.

The competition consisted of three preliminary rounds followed by the Semi-Finals and Grand Final. The Grand Final, in which Danny Tang (Harris Manchester) and Owen Lloyd (Merton) took on Caspar Bartscherer (Queen's) and Samuel Williams (Magdalen), was held in the Royal Courts of Justice before a panel of three judges including the Rt Hon Sir Andrew Longmore PC, a Lord Justice of Appeal and former member of 7KBW. The participants were privileged to be able to use Court 3, the court where Lord Denning MR used to sit. Impressive performances were given by both teams. Danny Tang and Owen Lloyd, who appeared for the respondents, were declared the winners and hence champions of the competition. Danny Tang was awarded the certificate for best oralist in the Grand Final.



Grand Finalists with judges: Ms Helen Mountfield QC, Matrix Chambers, Mr Ian Gatt QC, Herbert Smith Freehills' Head of the Advocacy Unit, Mr Conor Kennedy and Mr Stuart Sanders (Championship winners, both of Trinity College) and Professor Timothy Endicott.

Herbert Smith Freehills Oxford Disability Mooting Championship

The Grand Final of the inaugural Herbert Smith Freehills Oxford Disability Mooting Championship took place in the beautiful Keble College Chapel in November 2014 to coincide with UK Disability History Month. It has been established by Wadham College graduate students and the Oxford Faculty of Law.

It is the first Moot Court competition to be established by the Faculty which focuses solely on legal issues affecting persons with a disability. The Grand Final was judged by Professor Timothy Endicott; Lord Phillips of Worth Matravers KG PC,

former President of the United Kingdom Supreme Court; Mr Ian Gatt QC, Herbert Smith Freehills' Head of the Advocacy Unit; and Ms Helen Mountfield QC, Matrix Chambers.

The Grand Final was followed by a *Conversazione* moderated by Lord Macdonald QC, Warden of Wadham College and former Director of Public Prosecutions, on the theme: Building on the Paralympic Legacy: Social Attitudes, Equality Law and Participation in Public Life. The distinguished group of panellists included celebrated artist Ms Alison Lapper MBE, Mr Stephen Frost, the former Head of Diversity and Inclusion for the London Organising Committee of the Olympic and Paralympic Games, author and journalist Ms Katharine Quarmby, and Mr John Lish, Expert by Experience for the Barker Commission.



French Law Moot

Morgane Cauvin and Paula Fischer from Cologne University were awarded the winners' gold medal, presented by the Association Henri Capitant for French Legal Culture. Runners-up were the team from Leuven, and we are proud to report that Oxford University's team, thought the youngest participants, made it to the semi-finals. This moot is kindly sponsored by partners Gide Loyrette Nouel.



University of Oxford Intercollegiate (Cuppers) Mooting Competition 2014-15

The finalists, from left to right: Dr James Goudkamp (the Faculty Mooting Officer), Ms Riina Roolaid (HMC), Mr Simon Herzberg (HMC), Mr Mark Cunningham QC, Mr Joshua Pike (Worcester), the Hon Dyson Heydon AC QC, Ms Samara Lirato, Mr Andrew Westwood. Maitland Chambers generously funded the final of this moot.



Landmark Chambers Moot

The finalists, pictured from left to right, were Teo and Laura (Oxford), Dodds and Sarah (Cambridge), Anees and Dan (Southampton), Fitzgibbon and Daniel (Durham).



International Roman Law Moot Court Competition

Oxford's 2015 IRLM team: Brian Lee (Christ Church), Yizhen Clark (New College), Hannah Edwards (University College) and Keith Chan (Oriol College) at the Small Final in the Terme Stabiane at Pompeii. This moot is generously funded by Clifford Chance.



Oxford International Intellectual Property Moot

The 2015 problem was set in the agricultural biotechnology sector and in particular raised issues in relation to breach of confidence, patent infringement, and the grounds for the award of an injunction. Following a busy day of finals mooting on the Saturday, the grand finalists, National Law School of India University (NLSIU), Bangalore (left in the photo) and Monash University (right in the photo), competed at Pembroke College in front of a panel comprised of Lord Justice Kitchen, Lord Justice Floyd and Mr Justice Birss. Both teams performed extremely well, with the National Law School of India University (NLSIU), Bangalore prevailing. This moot is made possible by its generous funders: 8 New Square, Oxford University Press, Powell Gilbert, Boulton Wade Tennant, Hart Publishing, darts-ip, Edward Elgar Publishing and Henry Carr QC.



Public Law Moot

L-R: Runners-up: Tom Lowenthal (Balliol College), Owen Lloyd (Magdalen College); the Hon Sir Bernard McCloskey, President of the Upper Tribunal Immigration and Asylum Chamber; winners: Weiran Zhang (Wadham College) and Shaun Tan (St Edmund Hall). The competition is organised by the Faculty of Law's Mooting Programme in conjunction with Oxford Legal Assistance.

ARRIVALS



Adam Perry

Dr Adam Perry will be joining the Faculty of Law in Michaelmas term 2015 as an Associate Professor and Tutorial Fellow in law at Brasenose College. Dr Perry completed degrees in economics and law in Canada before coming to Oxford to study for the BCL, MPhil and DPhil. His doctorate, entitled 'Rules, Reasons and Acceptance', was on the normative status of rules. After completing his doctorate he has been: a Max Weber Fellow at the European University Institute, Florence; a Lecturer in law at the University of Aberdeen; and a Lecturer in law at Queen Mary, University of London. Dr Perry publishes in the areas of public law and jurisprudence and has published articles in the *Cambridge Law Journal*, *Law Quarterly Review*, *Modern Law Review* and the *Oxford Journal of Legal Studies*.



Dorota Leczykiewicz

Dr Dorota Leczykiewicz is joining the Faculty in Michaelmas term 2015 as an Associate Professor and Official Fellow in Law at St Peter's College. Dr Leczykiewicz completed her legal studies in Poland before coming to do her doctorate in Oxford which she completed in 2009 on 'Recoverability of harm in English and French Tort Law'. She held a junior research fellowship at Trinity College, Oxford, (2009 – 12) and Leverhulme Trust Early Career Fellowship (2011 – 14) in the Faculty of Law. Since 2014 she has been a Marie Curie Fellow at the European University Institute in Florence. She has published widely in the field of EU law and the emerging field of European private law. She has been an active contributor to these fields including organising a number of conferences. Her monograph on *Judicial Reasoning in Tort Law* will be published by Hart in early 2016.



Martin Brenncke

Dr Martin Brenncke will be joining the Faculty in Michaelmas term 2015 as the Erich Brost Career Development Fellow in German and European Law. This three-year post is based at the Institute of European and Comparative Law and St Hilda's College. Dr Brenncke completed his PhD in Law in 2013 at the University of Zurich and is now a candidate for his Habilitation (a postdoctoral degree). His doctorate was on the regulation of advertising in financial market law and he has published on a range of topics in EU law. Dr Brenncke will be teaching German Law and EU Law.

DEPARTURES



Wolfgang Ernst

Professor Wolfgang Ernst, Professor for Roman and Civil Law at Zurich University, has been appointed Regius Professor of Civil Law in succession to Professor Boudewijn Sirks.

Professor Wolfgang Ernst is currently Professor for Roman and Civil Law at Zurich University. He was previously Professor for Roman and Civil Law at Bonn University (2000 – 04) and before that he was Professor of Roman and Civil Law at Tübingen University in Germany (1990 – 2000). He serves as an elected expert for the German National Endowment for the Humanities and as President of the Research Council of the Austrian Academy of Sciences.

He graduated from the University of Bonn with a PhD in 1981 and from Yale Law School with an LLM in 1982 and achieved his Habilitation in 1989 from Bonn University. He has a considerable international reputation in the field of Roman Law and its impact on medieval and modern legal doctrines. Among his recent research interests are the legal history of money and of social choice.



Emily Hudson

Dr Emily Hudson arrived in Oxford from the University of Queensland in 2012, and in her three years she taught on all of the Intellectual Property courses (FHS, BCL and postgraduate diploma) offered here. Her enthusiastic teaching of copyright and trade mark law (as well as trusts) was very well received by all her students. But she also generously assisted in the institutional development of the Oxford Intellectual Property Research Centre, serving as Acting Director for two terms, co-convening the weekly Speaker Series, and assuming a leadership role in chairing our long-standing International Intellectual Property Moot Court competition. Drawing upon her own prior successes as a student mooter and moot coach, she overhauled the structure of the competition and drafted superb Moot problems for the last three years.

The changes that she implemented (and the energy that she brought to the competition) have resulted in a record number of teams entering memorials over each of the past two years from an ever-more diverse range of countries. During that time, Dr Hudson continued to produce innovative and influential scholarship, most significantly in the area of copyright exceptions and limitations. References to her prize winning doctoral research from the University of Melbourne (soon to be published in revised form by Cambridge University Press) and the submissions she co-authored based on that work pervade the recent report by the Australian Law Reform Commission proposing a more robust fair use defence. Although we are pleased that she has secured a permanent post at King's College London, we are also delighted that she has promised to continue her involvement in the IP Moot.

Graeme Dinwoodie



Peter Mirfield

In 2014 Peter Mirfield, Professor of Criminal Evidence, left his position in the Faculty of Law. Although he continues to be a tutorial fellow at Jesus College, he now spends a substantial part of his time as editor of the *Law Quarterly Review*, a position he fully assumed in January 2014.

An undergraduate at St Catz in the early 1970s, he returned to Oxford, following brief stints at the northern bar and as a lecturer at Leeds University, to take up a fellowship at Jesus College in 1981. For the following 33 years he taught successive generations of BCL students on the Criminal Evidence course. Students will recall his meticulous attention to detail and close reading of judgments (and, in keeping with his Yorkshire roots, a contrarian streak in his legal analysis: he claims, for instance, to prefer Lord Buckmaster's dissent in *Donoghue v Stevenson* to Lord Atkin's much lauded speech in the case!). Although a true generalist, with expertise in contract, jurisprudence, constitutional and criminal law, most of Peter's significant scholarly contributions in recent years have been to the field of Evidence, particularly as a contributor to *Phipson on Evidence*.

Although Peter has left the Faculty, it is far too early to speak of his retirement from academic life. Peter is only the sixth editor of the *Law Quarterly Review* in its 131-year history. If his predecessors, whose average tenure was well in excess of 20 years, are to provide any guide, then we are likely to see Peter in this post for the foreseeable future. He is likely to be kept busy on several other fronts. Peter is a member or chair of far too many Oxford clubs, societies and committees to count. He is also playing the new role of grandfather, with two recent additions to the Mirfield clan. For the next academic year, however, Peter will embark on an Antipodean adventure as he plans to spend his sabbatical leave hopping from one Australian law school to another.

Simon Douglas



Stefan Vogenauer

The 20th anniversary conference of the Faculty's Institute of European and Comparative Law will be held in September 2015 and, although the primary emotion will be a justified pride in the achievements of the Institute and its personnel over two decades, there will be a tinge of sadness too, for the conference will also mark the last act of Stefan Vogenauer as a member of our Faculty and as the Director of the Institute. Stefan has held the Chair in Comparative Law, latterly generously supported by Linklaters, since 2004 and he has been a Fellow of Brasenose College throughout that period.

His scholarship is breathtaking in its depth, breadth and innovation: he made his name as a globally important and recognised scholar with his superlative and prize winning inquiry into the interpretation of statutes in English, French, German and EU law, published in 2001 under the title 'Die Auslegung von Gesetzen in England und auf dem Kontinent'. This is simply a masterpiece. Stefan is a comparative lawyer, but he is a pathfinder in that discipline, pushing his research interests across fields of European legal history, private law and legal method. We lose Stefan to the post of Director of the Max Planck Institute for European Legal History in Frankfurt, which he takes up with effect from 1 October 2015. It is a highly prestigious post – we sincerely hope that those who have appointed him grasp just what a magnificent choice they have made. In Oxford, we know already. Stefan has been Director of our Institute of European and Comparative Law since 2004. He was a wonderful appointment to



Sandra Meredith

the Comparative Law Chair and to the Directorship of the Institute, having secured his MJur degree at Oxford in 1995, taking the Clifford Chance and Herbert Hart Prizes, and having also been educated in Kiel, Paris and Regensburg. He has been a wonderful teacher in the Faculty – especially but not only on the BCL/MJur course in ‘European Private law: Contract’ – and a dedicated supervisor of graduate research students but his enduring legacy to the Faculty will surely be found in his commitment to the Institute of European and Comparative Law. Under Stefan’s sensitive, thoughtful but also inspirational leadership the Institute has cracked on with huge success in its principal mission, which is to make vividly clear that the Oxford Law Faculty wishes to be known not only as a leader in the common law world but also as a key player in the family of European Law Schools.

Conferences, research projects, seminars, academic visitors, the four-year undergraduate degree involving a year spent in continental Europe... all this and more has flourished on Stefan’s watch. We are hugely grateful to him and we wish him and his family well.

Stephen Weatherill

Sandy Meredith retired from the Law School at the end of April, after 13 years’ service to the Faculty, students and the Law Library as co-ordinator of the undergraduate course in Legal Research Skills and Mooting. She also supported the postgraduate Course in Legal Research Methods.

Sandy is one of those can-do people who turned her hand to whatever was asked of her. Ostensibly she took over a teaching/legal research role that had been established in 1999 with the introduction of the compulsory Legal Research Skills Programme for first-year undergraduates. It is somewhat ironic that Sandy replaced another Australian in the post. Over her time in the Faculty, she became involved with many key support functions, working closely with members of the Faculty and the Law Library.

Sandy was co-editor of *OSCOLA*, and, within the academic law school community of the UK, she was the go-to person for any *OSCOLA* queries on styles for bibliographic software such as Endnote. Sandy was the Faculty’s administrator for SSRN and for Weblearn, and supported the Faculty’s Preparation in Teaching and Learning at Oxford (PLTO) course for new tutors. She participated in teaching the legal resources side for UNIQ groups (and the other similar programmes aimed at school students), as she was always really keen to help these youngsters.

Sandy has an MA in Education, and in Melbourne she was an Educational Developer in Graduate Studies in the School of Nursing at LaTrobe University, having worked previously as an editor. When she moved to the UK in 2001, she worked as a Learning Technology Support Officer at Oxford Brookes.

All the words above do not actually convey the key role Sandy played in managing a close working relationship with many academics, postgraduates and undergraduates. She enjoyed teaching, and this was evident in all her dealings with the lawyers. She also worked very closely with her co-coordinator of the LRSP, Kate Jackson, and other Law Library colleagues. Her innovative and positive approach made her a wonderful colleague and friend, and she will be missed; though, as she travels around exploring the world, she may not miss us. We are extremely grateful for the valuable ideas and innovations she contributed to the teaching of law at Oxford.

Ruth Bird



Sionaidh Douglas-Scott

We bid a farewell adorned by the warmest of thanks to Sionaidh Douglas-Scott, who has resigned from her posts as Professor of European and Human Rights Law and Fellow of Lady Margaret Hall to accept an offer of a Chair at Queen Mary University of London. Sionaidh goes with our sincere gratitude for her major contributions to the Faculty's welfare and most of all her outstandingly good contributions in the fields of EU law, human rights and constitutional law. Sionaidh's published work is striking for its originality and clarity of expression and, if one linking theme animating her scholarship may be identified, it is her passionate plea for justice as a necessary element in the intricate web of modern legal pluralism. It is a genuine pleasure to read her work which is in the best tradition of critical and constructive engagement with the pressing issues of the day. Do watch out for Sionaidh in future, and not only in the remote pages of the law journals. She brought a breath of fresh air to the debate on Scottish independence, where her shrewd legal analysis challenged political imprecision and, worse, deception that frequently scaled the heights of Ben Nevis, and she is already taking aim at the Mont Blanc-sized mountain of duplicity that accompanies the current debate about the future of human rights in general and the European Convention in particular in the United Kingdom.

Stephen Weatherill

FAREWELL

Bernard Rudden, FBA, Emeritus Professor of Comparative Law

When a great teacher leaves us it is good to remember him. I knew Bernard Rudden as an extraordinary director of graduate studies. I remember my meetings with him 25 years ago most vividly. Now I see that he was an important figure in the creation of the graduate research school that is now such a large part of our Faculty.

When the graduate class arrived in Oxford in autumn 1989 we were met immediately at St Cross by a rather short professor who seemed larger than life and very different to any Oxford scholar we imagined. We soon learned that the new Director of Graduate Studies, Bernard Rudden, was a distinguished comparativist who had begun life as a country solicitor, but who was now a renowned professor who knew every language and the details of every legal system under the sun, and who knew how to explain the wisdom of the common lawyers to civilians and vice versa. He also seemed to know the life story and intellectual interests of every research student who entered the building. He gathered us round and taught us how to succeed – or at least not to fail – at legal research.

One might start to think that, for all this good sense and valuable advice, Bernard would make a rather daunting overseer. But the humour and fascination of the man and his care for us made his injunctions seem kindly and concerned rather than oppressive. He himself worked away steadily on a large white PC in a carrel in the upper gallery of the Law Bod, door wide open to any student who needed him. He was there all the time – except first thing in the morning when he would walk around the entrance of the library looking for graduates to welcome for the day's work, with a big smile and an offer of conversation. Rudden, Treitel, Honoré, Birks and Reynolds were all very much a presence in the place, to mention only some of the prominent private lawyers.

Many of us came to know Bernard more personally, for he was there to assist in every trouble, especially the inevitable crises of confidence that come when the expected return on a hopeful research topic turns out to be low or nil. One does not ever forget such a kindly and engaged teacher, who affected many at that time. What made Bernard truly unforgettable and effective as mentor and inspiration was his startlingly broad and precise scholarship, his originality of mind, and his very great wisdom. One of his many comparativist expertises lay in Soviet and pre-Revolutionary Russian law. Was this interest a result of family experience, or maybe political commitment?, I asked once. 'No,' said Bernard. 'At my old boys' school I could choose between rugby union in the winter afternoons, or else Russian language classes with one of the school-masters. Now look at me!' he said, with feeling, gesturing at his own diminutive size.

Those who want to meet the man in prose might find their way to one of his late pieces, 'Matter Matters', *Properties of Law: Essays in Honour of Jim Harris* (eds Endicott, Getzler and Peel, OUP 2006), which shows Bernard's great strength and deft touch as an essayist. There are many more such treasures.

Joshua Getzler

STUDENT NEWS

A Legacy for Oxford and India

Somerville College and the Faculty of Law are launching a joint appeal for the Cornelia Sorabji Scholarship in Law. The fellowship is named after the first woman to read law at Oxford, the first Indian national to study at a British university and the first woman to practice law in both Britain and India.

Cornelia Sorabji was only able to take up her place at Oxford due to last-minute petitioning and fundraising. She would go on to chart a legal career despite the many hurdles presented to a woman at the time. In 2012, her remarkable life was marked by the unveiling of her bust at Lincoln's Inn.

Even today, it remains difficult for exceptional Indian student lawyers to take up study opportunities at Oxford due to fees and living costs. The Cornelia Sorabji Scholarship will provide the life-changing opportunity for a top-flight trainee Indian lawyer to study at Oxford's Faculty of Law and to live at Somerville, Cornelia Sorabji's former college.

Oxford has the largest doctoral programme in law in the English-speaking world and most graduate students are not from the UK. The Oxford India Centre for Sustainable Development, based at Somerville College, already welcomes a number of graduate students from India onto its scholarship scheme each year.



The Cornelia Sorabji Scholarship in Law will be awarded to a candidate with an exceptional academic record who wishes to use their skills in India over the long term. The cost of permanently endowing the scholarship is £1.2 million. For further information, please email Sara Kalim, Development Director, Somerville College at sara.kalim@some.ox.ac.uk.

Alexander Monro

The Teaching Fund–Exeter College

Thanks to a generous donation from Woco Foundation, the Faculty of Law and Exeter College have been able to endow the DM Wolfe – Clarendon Associate Professorship in Law, currently held by Jonathan Herring. Professor Herring's research covers criminal, family and medical law. He focuses his academic study on the things which he thinks 'are the most important in life, which aren't about making money but are our family, our friends, the values of love and care.' This covers care-givers, dementia, vulnerable adults, children in care and gay rights – aspects of the human condition which do not attract the funds available to corporate law.

Professor Herring is passionate about the Oxford teaching system, describing the tutorial as 'the perfect arena for exploring what can be controversial and emotive subjects'. His preferred seat in his Exeter study is a large blue gym ball; he is often literally bouncing with enthusiasm during tutorials. 'Sometimes these issues have affected students in quite personal ways,' he says. 'Teaching in small groups affords space to hear someone's story and help them to think through how they can learn from that, and use it in their legal thinking and work'.

Exeter College and the Faculty of Law are delighted that Woco Foundation's generous support has enabled them to protect this important post in perpetuity.

Tessa Stanley Price

Worcester College

Worcester College has also been able to secure funding for a new position with the Faculty of Law. Due to a generous donation the college will now be able to protect a law teaching post.



Why law graduates are campaigning to get disability on the list

That ‘law affects and governs literally every aspect of human existence’ speaks directly to why I chose to study law as a wide-eyed 17 year old. I understood that ‘law is power’. To paraphrase Noah Feldman’s article on why we need law schools: legal education enables us to ask the deeper questions about the impact of the law on certain sections of our population and interrogate whether the exercise of such power on these groups is legitimate. Asking these questions and learning about how this kind of power operates made it easy for me to choose my degree. Having a physical disability made it seem imperative to do so.

Now a weary-eyed doctoral student, researching the governance of criminal defendants with autism, I am acutely aware of the necessity for undergraduate and post graduate law degrees to incorporate discussions about the intersection between disability and law across the taxonomy of the legal system. There are 11 million people with disabilities in the UK and over 1,000 disabled students at Oxford. Yet disability has, largely, remained at the peripheries of the taught-course syllabi within the Social Science Division. This led a group of law graduates and me to found the Let’s Get Disability on the List! Campaign – which asks faculties to audit where disability is included in their taught courses. The Centre for Criminology and Faculty of Law were the first University departments to undertake such audits. We subsequently worked with the Faculty and Herbert Smith Freehills to establish the Herbert Smith Freehills Oxford Disability Mooting Championship to showcase the intellectually interesting ways in which disability intersects with law. Expanding the substantive discussion of disability in legal education also has

a filter-down effect, improving the accessibility of facilities for students and academics with disabilities.

Foregrounding disability in academia also involves improving access to post graduate education for students with disabilities. This inspired our next campaign project – launching a scholarship to fund academically excellent Masters’ students with a disability. As our campaign gathers momentum, we hope a specific Law Faculty scholarship will be created. Better inclusion brings new perspectives in our academic analysis of the law and helps to increase diversity in the legal profession.

Beyond this, as Elionoir Flynn argues, a more concerted focus on disability in legal education proffers a ‘consciousness-raising’ for non-disabled legal professionals. It helps to provide ‘appropriate tools for them to understand the experience of people with disabilities’ and teaches professionals how to ‘think critically about the application of law to issues concerning people with disabilities’. In turn, this ensures that the legal claims of disabled people are better understood and accommodated.

Marie Tidball

Let’s Get Disability on the List!

Facebook page: www.facebook.com/groups/632587203447423

See page 68: Herbert Smith Freehills Oxford Disability Mooting Championship

Graduate Scholarship winners 2014

| Scholarship | Student name | Degree | College |
|---|-----------------------|--------|-------------------|
| Myers Scholarship | Paul Annabell | BCL | St Cross |
| Myers Scholarship | Alexandra Whelan | BCL | New |
| Modern Law Review Scholarship | Shreya Atrey | DPhil | Magdalen |
| Modern Law Review Scholarship | Claire Stockwell | DPhil | Linacre |
| Cape Town Convention Scholarship | Anton Didenko | DPhil | Harris Manchester |
| Fountain Court | Daniel Tang | BCL | Harris Manchester |
| 3VB (3 Verulam Buildings) | Robert Mortell | BCL | Wadham |
| Pump Court Tax Chambers | Gretel Scott | BCL | Christ Church |
| Des Voeux Chambers | Ka Cheung Ng | BCL | Brasenose |
| 4 New Square | Bethany Hardwick | BCL | St Anne's |
| CEPL (Centre for Ethics and Philosophy of Law – University College) | Mikolaj Barczentewicz | DPhil | University |
| South Square Chambers | Thomas Watret | BCL | Balliol |
| Freshfields | Zhiling Chen | MJur | Jesus |
| Freshfields | Callum Musto | MPhil | St Hilda's |
| Freshfields | Ryan Manton | DPhil | Magdalen |
| Freshfields | Thomas Coendet | MJur | St Anne's |
| Freshfields | Katie Allan | MPhil | Lincoln |
| Peter Birks | Petra Weingerl | DPhil | University |
| Roy Goode (Research)/UK Foundation for Uniform Law | Kamille Adair Morgan | DPhil | Mansfield |
| Winter Williams | James Manwaring | MPhil | Balliol |
| Brasenose | Maria Martins Pereira | MJur | Brasenose |
| Corpus Christi | Stefanie Wilkins | DPhil | Corpus Christi |
| Jesus | Medha Vikram | BCL | Jesus |
| Jesus | Robert Noonan | BCL | Jesus |
| Merton Lawyers' BCL Scholarship | Owen Lloyd | BCL | Merton |
| Merton Lawyers' BCL & MJur Scholarship | Paul Walker | BCL | Merton |
| Additional Merton BCL & MJur Scholarship (for 2014 – 15 only) | Jennyfer Moreau | BCL | Merton |
| Graduate Assistance Fund | Ana Bobic | DPhil | St Cross |
| Wadham (Peter Carter taught) | Clare McKay | BCL | Wadham |
| Wadham (Peter Carter research) | Rachel Clement DPhil | DPhil | Wadham |
| Land/Trusts | Alexi Ollikainen | DPhil | Keble |
| Hackney BCL Scholar | Cian O'Concubhair | BCL | Wadham |

ALUMNI NEWS

Former professor appointed judge of the Federal Court of Australia

James Edelman has been appointed judge of the Federal Court of Australia. The Hon Justice Edelman (Magdalen 1998) was a Rhodes Scholar and obtained his DPhil in Law in 2001, before becoming a Professor of the Law of Obligations at the Oxford Faculty of Law in 2008.

James told *Oxford Law News*: 'Leaving the Law Faculty at Oxford to return to Australia to the Supreme Court of Western Australia was a heart-wrenching decision. But the enterprise and profession of law and learning crosses all formal boundaries. So the last few years have seen numerous former colleagues and students visit Perth often to teach at UWA, and many of them staying with us. Seminar discussion groups became a lot smaller (sometimes over breakfast) but they have been just as dynamic. I hope they will all continue in Brisbane.'



Alumni events

The global reach and diverse careers of our law alumni are of great interest to us. For this reason we host events, often linked to University alumni events, whenever possible. Our ambition is to create a worldwide network to put you in touch with other Oxford alumni and current students. Oxford law alumni are made up of those who read law or those who read a different subject but are now working in the field of law.

University alumni weekend in Vienna

In conjunction with the University's fourth *Meeting Minds: Alumni Weekend in Europe* in April, Oxford Law held a drinks reception at Dorda Brugger Jordis in Vienna for alumni living and working within Europe. Oxford's Professor of European & Comparative Law, Stefan Enchelmaier, gave a brief introductory talk at the start of the reception and this was followed by dinner at a nearby restaurant.

We were delighted to receive such positive feedback from our alumni attendees: '[I just wanted] to say how much I enjoyed the Oxford Law reception at Dorda Brugger Jordis offices on 25th April. Their premises have stunning views and it was great fun meeting a group of lawyers in such lovely surroundings' (Alumna, St Hugh's 1982).



Stefan Enchelmaier (far left) talks to Oxford Law alumni, including Veit Öhlberger, Partner at Dorda Brugger Jordis

HONOURS

Mark Schrager (BCL 1978) was named to the Quebec Court of Appeal on June 13 2014.

Oxford Silks 2014

Congratulations to all Oxford alumni who were made up to silk this year. This is a great accomplishment, and reflects well on their talent and hard work.

Oxford University alumni appointed as Queen's Counsel in 2014:

Kathryn Skellorn QC
Roger Thomas QC

Interview with a successful alumna

Emma Matebalavu, Clifford Chance

Emma Matebalavu is a partner in Clifford Chance specialising in real estate finance and all types of structured debt. She specialises in real estate related senior and mezzanine debt, intercreditor arrangements, portfolio sales and CMBS.



Q How did your career progress from graduation to becoming a partner in Clifford Chance?

A I completed a vacation scheme at Clifford Chance during the summer vacation before my final year at Oxford and joined the firm in 1999 as a trainee solicitor. I completed our two-year training contract and spent one of my 6 month seats in the securitisation department of our Rome office, which was not only a fantastic experience but whetted my appetite to qualify into the securitisation team in London. At 4 years PQE, after returning from maternity leave, I started to prepare for partnership and I was elected to the partnership in 2008.

I joined Clifford Chance because it was international and diverse. I completed Course II at Oxford – having spent a year studying in Paris I was attracted by the truly international nature of work here. I liked the fact that Clifford Chance is dynamic, innovative and meritocratic, which were qualities I really looked for in my future employer.

Q Do you use anything from your Oxford law degree in your everyday work?

A Being a partner at Clifford Chance is a challenging role – law and regulation change constantly (particularly in light of the financial crisis) and client needs and transaction structures evolve rapidly too. My degree prepared me for analysing new problems and making my points effectively and clearly. The tutorial system prepares you for asking (and answering!) difficult questions, which is one of the key elements of my job.

Q What's your abiding memory of your time at Oxford?

A I think the mix of academic studies and extra-curricular activities are what I remember most from my time at Univ. I am very proud that I managed to combine my studies with achieving a hockey and a rugby Blue – undefeated by Cambridge in both matches! Learning to balance my time effectively between my studies and my sports was very valuable in preparing me for the demanding nature of my professional life. I also have very fond memories of

studying in the All Souls library as one of my tutors was a fellow there and arranged for us to have access to the beautiful library there.

Q How did your year in Paris influence the kind of lawyer you are today?

A Clifford Chance sponsored Course II and has done for the past 20 years or so. The grant they gave us made it possible for me to do a 4-year degree and helped with the year abroad. The year in Paris sparked my interest in international deals and transactions which ultimately led me to apply to Clifford Chance. It was very interesting to get an insight into the civil law system as well as the French university system, which is very different to studying in Oxford.

Q Who was the biggest influence on you when you studied here?

A I found tutorials with Professor Finnis on jurisprudence quite intimidating! However, I was tremendously lucky to have had the opportunity to have one-on-one tutorials with a fantastic legal mind and fortunately he is a very patient man.

Q You specialise in real estate finance; would you recommend that as a specialism to current law undergraduates?

A Sometimes the study of law can be quite different to practice. My advice would be not to rule out any areas of law before completing the training contract. I had no idea at university that I would want to work in securitisation; I doubt I had even heard of it, but I found out that it draws on many legal concepts which I had studied, particularly trusts and insolvency. I really enjoy real estate finance and securitisation as they are highly structured, involve quite a bit of negotiation and require excellent transactional skills and communication skills to get the deal across the line.

Q What would you say to someone considering applying to study law at Oxford?

A Go for it! It is a fantastic opportunity so grab it with both hands. I would also say (now that I am a parent) that you should attend lectures. They are incredibly helpful and not enough students realise this until later on in their course.

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