

Conversations with Emeritus Professor Christopher Forbes Forsyth

Part 2: Career Part 2

by

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This is an interview with the thirty-fifth entrant in the Eminent Scholars Archive. Christopher Forsyth was the Professor of Public Law and Private International Law (2005-16) and inaugural Sir David Williams Professor of Public Law (2016-17) at Robinson College. The interview was recorded at Professor Forsyth's home south of Royston.

Questions in the interviews are sequentially numbered for use in a database of citations to personalities mentioned across the Eminent Scholars Archive.

Interviewer: Lesley Dingle. Her questions are in **bold type**.

Professor Forsyth's answers are in normal type.

Comments added by LD, [*in italics*]. Footnotes added by LD.

55. Professor Forsyth, in the second interview last week we covered the period up to the end of your lectureship in Cambridge. In this interview we will complete your academic career and in a further conversation cover your scholarly work. After 12 years as a lecturer you were promoted to reader. This was in 2000 and lasted until 2005. Did your teaching or your administrative duties change?

No, they didn't significantly. Perhaps some people might have thought that the word of a Reader carried more weight than the word of a lecturer but I was never aware of anything like that and I can't remember quite how the dates worked out but it was at about that stage that Jack Beatson² went away to be a full-time judge and I became Director of the Centre for Public Law. I was Director of the Centre for Public Law for about ten years. That was one change that came about at about that sort of time. I really rather like the title "Reader". It's rather sad that it's all been replaced now with professorships, but the idea of being a Reader carries a connotation of being quite a serious scholar but at the same time not distracted by all the administrative things that often distract professors. So I think that's probably all that I can think of to say about being a Reader.

56. In addition, during this period you had two posts that harked back to your South African associations. From 2000 to 2002 you were Manager of the African Studies Centre and I wonder if you could say something about that?

Yes, under the constitution of the African Studies Centre there's scope for a nominee from the Law Faculty to sit on its board of management and I became the Law Faculty's nominee and served on the Centre for African Studies, first as just an ordinary member of the committee and then later as Chairman of the Board of Management selected by the other managers. I quite enjoyed the Centre for African Studies work because it gave me insight into other parts of the university that I didn't otherwise see. It also gave me a finger in the pie of the Smuts Memorial Fund which is quite well-funded and does a lot of good work and I played my part in spending some of that money, deciding who it should be spent on, and ultimately it was service, it went beyond pure scholarship.

¹ Foreign & International Law Librarian, Squire Law Library, Cambridge University.

² Sir Jack Beatson FBA (b.1948-), Rouse Ball Professor of English Law (1993-2003), Lord Justice of Appeal (2013-18).



It was really service to the cause of Africa in working in the Centre for African Studies and I saw it move from being right down in the New Museums Site, coming up onto the Sidgwick Site after spending some time in a building with a crocodile on it, Eric Gill crocodile in the old museum... New Museums Site, yes, the centre of Cambridge, and so I became part of the furniture at the African Studies Centre and was rather sorry when it all ended, but I retired and I thought the time had come for me to give way. We did some good things. The director at one stage was a chap called Ato Quayson³, Q-U-A-Y-S-O-N, and he succeeded in raising quite a bit of money from North America.

We had a series of research fellowships that came every year, four or five every year from Africa, from all parts of Africa and it was a lot of work selecting who the successful candidates were going to be and quite difficult to do at the distance that we had to do it. We had to communicate with people in countries that didn't really have the things that we were taking for granted such as email and the internet and easy communications, interviewing electronically and things of that kind. We could but dream of that and now... and we ended up effectively appointing people without interview. It was a good thing, so just things to do. I never saw African studies... which was dominated by history and anthropology and the social sciences rather than with law. Law made quite rare appearances with African studies but that gave me some understanding of what people were thinking about in other disciplines, but it is very different to law.

57. During this time you published 12 journal articles and two of these dealt with Hong Kong issues, one was with Professor Mark Elliott⁴ and two were on South Africa. That's 17 percent and the centre of gravity in your research, inasmuch as it could be said to be reflected in your publications, seems to have shifted significantly from your time as a lecturer where 37 percent of your articles were on South Africa. Was this a real realignment of interests?

I'm afraid I must disappoint you: I just do what comes next. I don't have a great plan and my articles were determined by what interested me, what I came across, and the Hong Kong articles, which were both on legitimate expectations, if I remember correctly, legitimate expectations have always been quite a thing of mine since I first wrote about it in 1988, I think. What happened is that China had resumed sovereignty over Hong Kong and these complicated cases arose out of who was entitled to enter Hong Kong from the mainland and various promises had been made and the question was whether those promises granted a legitimate expectation to the individuals to whom the promise had been made that had to be taken into account in deciding whether they were allowed to come into Hong Kong.

Then the various decisions were taken that effectively determined that the legitimate expectations were valueless, that they didn't benefit the individuals at all, and that was of course challenged in the Hong Kong courts and they won in the Hong Kong courts. Then the Hong Kong government with the connivance of the Chinese government referred the matter to the Standing Committee of the National People's Congress which was a non-judicial body that is like an appeal from a court. As a non-judicial body it was much more like a legislative body and it overturned the decision of the Hong Kong courts so the legitimate expectations were ignored and of course it's the first sign of the difficulties over the rule of law which one

³ Ato Quayson (b.1961-), Ghanaian literary critic and Professor of English at Stanford University, PhD Cambridge University (1995). Fellow at Pembroke College and a member of the Faculty of English, Reader in Commonwealth and Postcolonial Studies. Cambridge Commonwealth Scholar (1991-94), Fellow of the Cambridge Commonwealth Society.

⁴ Mark Elliott, Professor of Public Law, Legal Adviser to the House of Lords Select Committee on the Constitution (2015-19).



sees in Hong Kong now. I wrote one article with Rebecca Williams⁵, one article with Mark Elliott on those two cases. You never know what I might have written about if politics in Hong Kong hadn't intervened and so I became involved in writing about these things in Hong Kong. So, no, there was no specific decision on my part to... there was a sort of slight decision on my part to concentrate less on South Africa.

In part the South African constitutional scene after the release of Nelson Mandela⁶ had been completely transformed and I found myself from being completely at home in South African constitutional matters, in fact not being completely at home in the new constitution, which of course I welcomed the new constitution and I did my bit to edge it along, but there's an absolute alphabet soup of various bodies doing different types of things but you had to devote a lot of time to... if you were to get on top of it and I found myself sometimes being at sea and that's not a state of mind that one should have if you're purporting to write authoritatively on these subjects, but I still did a fair bit on South Africa. I gave evidence to the Truth and Reconciliation Commission that is the one thing that springs to mind and of course I continued to write about South African conflict of laws but I did sort of drop out to a certain degree of South African public law.

58. Thank you, and I look forward to looking at your book on conflict of laws in our next conversation.

Right.

59. In 2005 you were made Professor of Public Law and private international law and you held the chair for 11 years. Did your Faculty duties change?

I found myself doing slightly more serious and senior administrative jobs. I was on the Board of Graduate Studies, for example, but most of my administrative work at this stage is not connected with the Faculty as much as with the university. I was, for example, Proctor, once as a lecturer and once as a reader, I think. I was a Proctor twice and I was on the Board of Graduate Studies, as I've mentioned, and I served on the Board of Scrutiny and I was Chairman of the Board of Scrutiny and I was of course a university advocate. For many years I was a university advocate and these were administrative tasks that I really relished in many ways, but they were not in the Faculty. I was on the Faculty Board in the Centre for Public and Law and so forth and so on, but I didn't take a leading role in the administrative work of the Faculty.

Also I always had my other interests. This was at the stage that I came off the police authority and I started looking around for something else to do and ended up becoming a Recorder, so that's how I kept myself busy, that and writing, rather than taking on more. I was Chairman of Examiners of course. I was chairman, and for one time only, Chairman of the LLM examiners. I think I did my bit but I had lots of other things on the go at the same time.

60. Because you also during these 11 years produced 15 journal articles and I wonder if you could sum up for our listeners and our readers what your main focus of research during this time was?

Have you got the articles there in front of you?

⁵ Rebecca Williams, Professor of Public Law and Criminal Law Oxford, previously a fellow of Robinson College, Cambridge.

⁶ Nelson Rolihlahla Mandela (1918-2013). President of South Africa (1994-99).



61. I don't.

I'll just have to rely on my memory then.

I think you would have seen that I became much more involved in UK public law and I carried forward the work that I had already started while I was a lecturer on the foundations of judicial review and on the questions of nullity and so forth, but I think the articles would reveal [*that with-LD*] the two articles on Hong Kong, the articles tended to reflect my broadening interest in comparative public law, in that I was less interested in purely UK public law and more interested in seeing how things worked out in other parts of the world. Hong Kong has already been mentioned, but India, I became fascinated by Indian public law because, as with some African public law when I said I didn't feel I could really say very much about it because I knew so little about it, in fact it was the same with India.

I was absolutely fascinated by India and was very, very hesitant about expressing an opinion on Indian law, but I went to India many times and lectured in India to many, many venues and so forth. This was something I was introduced to by Bill Wade⁷. Bill Wade had a friend, an Indian friend, who he'd known from the 1950s and they'd played tennis together and Bill was working on his... it doesn't matter what they were doing, they were in Cambridge and played tennis together and got on relatively well and Mr Ramakrishna⁸, that was his name, came to believe that what India needed more than anything else was better administrative law and Ramakrishna accepted this analysis. He came to believe that what India was needed was more administrative law, more thoughtful administrative law.

To this end he made it his practice to invite British academics to come out to India and to lecture in India on administrative law at the Madras High Court and he invited me several occasions and I always took it up and I had a wonderful time in India and in the Madras High Court of course and the local universities and at universities in Bangalore and so forth which I absolutely relished and was fascinated by and I saw fascinating things. For example, I was taken to the judicial review court that they have in Madras and saw the counsel argue their cases and using in fact a copy of Wade and Forsyth and 'Administrative Law' standing open on the judge's desk and that was a fascinating experience. Often when your book is cited, whether in India or elsewhere, the author often feels they've just missed the point, the person who's citing the book has just missed the point, slightly different from... but I saw this happening in India and it was pleasant to see it even if I thought they didn't get it quite right, but it's part of the worldwide influence of that book.

62. Immensely gratifying. Professor Forsyth, in 2016 after 11 years in the chair you were honoured with the inaugural appointment to the Sir David Williams chair and I noticed that this was funded by a donation from Sir David Li⁹, who was then a Hong Kong financier and a banker with strong ties to the University of Hong Kong with which you are closely involved, and I wondered whether you know him? I believe he studied economics at Selwyn College and if you could tell us about the circumstances of your appointment?

I'll tell you about Sir David Li whom I know very well. I first knew him through his

⁷ Sir Henry William Rawson Wade, (1918-2004). Professor of English Law, University of Oxford (1961-76), Rouse Ball Professor of English Law (1978-1982).

⁸ C. Ramakrishna (1929-2021), a senior advocate at the Madras High Court and the youngest son of the late C. Arunachalam Mudaliar, zamindar of Chunampet, Christs College Cambridge in Comparative, Constitutional, and Administrative Law.

⁹ Sir David Li Kwok-po GBM GBS OBE JP (b.1939-) Hong Kong banker and politician. He is the current Executive Chairman of the Bank of East Asia, and a former member of the Legislative Council of Hong Kong and the Executive Council of Hong Kong.



son who was a law student at Robinson College and I admitted him and taught him several subjects and so forth, so when I was going to Hong Kong on other business it was quite natural that I should go and see his parents, and there were two young Li boys. One was at Trinity and one was at Robinson and the Li boys were keen that I should meet their parents and so I did. We hit it off and David and Penny Li became a fixture on my subsequent visits to Hong Kong and he studied law as well as economics at Selwyn and had a great interest in the government of Hong Kong, served on the ExCo and LegCo¹⁰ and so forth and so on. So he is a considerable figure in Hong Kong terms.

The family bank is the Bank of East Asia and that's a substantial bank in Hong Kong and in Southern China and Southeast Asia. So David came to believe that I was an administrative lawyer that should have more to do with Hong Kong. He was also a very good friend of David Williams¹¹ and he conceived the idea that there should be a chair named for David Williams and that I should be the first holder of it and this suggestion, which I obviously didn't object to. I was [*however* - LD] somewhat sceptical about whether it could come to fruition because I was getting close to retirement and I might not be considered fit to hold it for any length of time and of course it's in breach of all the principles of free and open competition and so forth and so on that it should be dedicated to me. But this proposal was put forward by David Li who, as you will be aware, he is a great philanthropist and has funded good projects without number at the University of Cambridge included in the Law Faculty and several colleges too. David Li would propose this and wiser heads would say, 'No, we don't want to proceed with it,' or, 'We couldn't see it working,' or whatever.

In the end he gave the university the offer of the endowed chair, but it would have to have me as the first holder. So the university voted for me to be the first holder. No ballot was held on the grace and I became the first holder but not for very long before I retired and that was that. The great thing is that the chair is tied to Robinson College and I think it should become one of the most prestigious chairs of public law in the UK and that means that Robinson College will have one of the leading public lawyers in the country amongst its fellowship in perpetuity which I think is something that is reason to be very grateful to Sir David Li.

63. That is immensely interesting. I had wondered about that. So, for example, Professor Alison Young¹², who is the next incumbent in the chair, she needed to be at Robinson. She could not have been, say, a fellow at another college to be in the chair.

That is true and the way it's set up, it's designed to make it very difficult for a person to become the Sir David Williams chair, not be a professorial fellow of Robinson. I think there's a little bit of wriggle room if the individual is a member of another college and applies for the Sir David Williams chair and then there may be difficulty and the chair may go to another college and or it has to be refilled but, yes, but that's a reason why Alison Young is the second holder in Robinson. What I should also say, David Yates¹³, Warden of Robinson or the then Warden of Robinson was also a moving spirit behind the chair and would press for it and then be rebuffed and then David Yates would press for it and be rebuffed and David

¹⁰ Legislative Council of the Hong Kong Special Administrative Region (LegCo). Unicameral legislature of Hong Kong, sits under China's "one country, two systems" constitutional arrangement, and is the power centre of Hong Kong's hybrid representative democracy.

¹¹ Sir David Glyndwr Tudor Williams (1930-2009), Rouse Ball Professor of English Law (1983-92), President of Wolfson College (1980-92), Vice-Chancellor, Cambridge University (1989-96).

¹² Alison Young, Sir David Williams Professor of Public Law (2018-). Robinson College

¹³ Anthony David Yates (b. 1946-), Warden of Robinson College (2001-21) Professor of Law at the University of Essex (1979-87), Dean of School of Law (1979-84), and Pro-Vice-Chancellor (1985-87).



Li would come forward and press for it and so forth and so on. At the grand dinner we had to launch the chair. I made a speech in which I said, “This is a tale of three Davids. There’s Sir David Williams, David Li and David Yates who brought the chair into existence.”

64. Right, that is fascinating. That brings us to some of your other extramural academic appointments and perhaps we can draw together your activities in various other legal jurisdictions, South Africa, Hong Kong and Sri Lanka. Over the years you’ve retained strong connections with legal developments in South and Southern Africa. In 2004, while you were still a reader, you became a Recorder on the South African Eastern Circuit.

No, the CV I sent in must have been misleading on that point. I wanted to mention it. I was indeed appointed as a Recorder on the South Eastern Circuit of England, not of South Africa. I’ve never been a judge in South Africa.

65. I wondered about that, thank you. Thank you for clarifying that.

I was a judge in England. I was thrown off the police authority, as I think I explained last time and I always wanted to have something else on the go and I conceived of the idea of seeing whether I could become a Recorder and I threw my hat in the ring, went down and was interviewed by a panel of civil servants and magistrates and judges and in some ways I was most unqualified to be a Recorder because most Recorders have done 20 years in the criminal courts and are completely familiar with the operation of the criminal courts and I wasn’t. But I had always been interested in criminal law and I felt sure that my knowledge of the procedure of administrative law would probably stand me in good stead.

I’d be unlikely to do anything fundamentally unfair on the bench, I hoped, and anyway I was duly appointed a Recorder trying serious criminal cases with a jury but, as I never tire of saying, never sex or death. I wasn’t senior enough to do sex or death so I didn’t take sex or death but anything else and I enjoyed much of it. As I say, I struggled at the beginning because I knew nothing but I don’t think I did any fundamental injustice and what I did find though is one would go and sit as a Recorder for a week, sometimes two weeks in the Crown Court in Cambridge, Chelmsford, Peterborough, Basildon and occasionally in London. I found after a week in the criminal courts I was very pleased to come back into the university or where things are much more ordered, people don’t regularly lie all the time to you, and so it all became too much for me in the end. I was sort of quite pleased to give up being a Recorder.

If I had done it earlier, if I’d become a Recorder earlier and of course I might not have succeeded in, might not have been appointed, but if I had become Recorder earlier I might then have been able to go to the High Court bench where people like Jack Beatson did and so forth but I was just too close to retirement by the stage I could have gone to the High Court bench. I did sit as a Deputy High Court Judge trying administrative law cases in the Royal Courts of Justice for three years in total. Not for the whole year but for weeks taken out of the three-year period and I enjoyed that much more. But before I could get really stuck into work as a Deputy I then had to retire through ill health. So it was unfortunate, but I enjoyed sitting in judicial review cases, put the sort of considerable theoretical knowledge that I had of judicial review into practical application.

66. So returning to your connections with South and Southern Africa, specifically your involvement in the Truth and Reconciliation Commission, you gave evidence to the Commission on judiciary and this Commission’s work has been both lauded as uncovering the truth and also criticised as being too Christian and focussing on



forgiving. Overall what are your views on its achievements?

I'd give it sort of a middling second class mark, I think. Its task was incredibly difficult so in some ways it was bound not to fail. It did succeed in that it did encourage some people to come forward and to admit what they had done and they then got immunity from prosecution and it brought these terrible deeds out into the open and one knew what had happened and at its best reconciled the victims with the perpetrators. That I think was a noble purpose and it was in part successful. My own involvement came about because I thought the Commission was in danger of having the wool pulled over its eyes in that the South African judges were invited to come and give evidence to the Truth and Reconciliation Commission and they refused to turn up.

Instead they sent a written document and the written document was, I think, no good at all because it simply parroted the defence that the South African judges had made all through the apartheid years that there was nothing they could do about ameliorating the condition of the victims of apartheid or anything of that sort. There was nothing they could do. They were just obeying the law, the law that they had sworn to uphold and they put forward this tale to the Truth and Reconciliation Commission to say that they could have done nothing, that everything had been specified clearly in the law and they had no choice but to apply it.

I felt that sort of quite personally because my thesis had just been published and the whole point of my thesis was to show that in fact the judges did have a choice and on the legal sources and the authorities in front of them there were things that they could have done. Not as much as some people like David Dyzenhaus¹⁴ would like them to have done, but they certainly weren't completely impotent in the way that the evidence suggested and so in my evidence which I gave unsolicited I set out the reasons why I thought this was an inadequate account of what had actually happened in the past. But there is another sort of point in the undergrowth there, as I think there is quite a reasonable case to be made for the judges not turning up in person to the Truth and Reconciliation Commission.

I think they should have offered a better defence or should have said, 'Now we see the error of our ways and we recognise that we were in part tainted with the charge that we collaborated with apartheid.' I think that's what they should have done but I think that they should have done it in writing to the Commission rather than turning up in person because the proceedings, I wasn't present, but the proceedings, as I understand it, were bad enough already. If they had brought the judges, had dragged them before the Truth and Reconciliation Commission, it would have split the judiciary into those who were for, those who were against, and it would have dragged out the wrongdoers or the perceived wrongdoers and subjected them to ignominious criticism in front of the public in the Commission. This would have much weakened the judiciary because I think in fact, and this has been recognised by the South African courts themselves, the Constitutional Court and elsewhere, that there was merit in preserving a formally independent judiciary in South Africa which was what happened.

It was never the case that politicians would order judges how to decide cases. Of course you might say to that very often they didn't have to do that because the judges knew which way to decide anyway but the judges were formally independent and I think in the tortured political circumstances of South Africa and without suggesting for one moment there wasn't a tremendous amount wrong with every part of the South African legal system, that was an achievement that is worth noting. I think David Dyzenhaus came round to agree with

¹⁴ David Dyzenhaus (b.1957-) Professor of Law, University of Toronto (1998-), Goodhart Visiting Professor (2014-15). Fellow of the Royal Society of Canada.



me in the end, that nothing would have been gained if the judges had turned out to have brickbats thrown at them before the Truth and Reconciliation Commission.

67. Thank you very much. In addition to the assistance you gave to Botswana and Malawi, which we've already mentioned, you were also asked to advise other commonwealth governments in constitutional matters and I wonder if you could say something about your work for the Minister of Justice and Constitutional Development of Sri Lanka which as we speak is in a situation of political turmoil?

Yes. The start is again through the good offices of Bill Wade, that he was approached by the Sri Lankan government and got me in as his junior and what we were trying to do was to find a way in which the... this was while the war with the Tamil Tigers in the north was raging. What the Sri Lankan government wanted was to give substantial autonomy to the rebellious north and eastern parts of Sri Lanka in the hope that that would have been sufficient to bring peace to those parts of Sri Lanka but as is often the case with constitutional problems, there is a problem, and the problem is that the legislature was in the hands of the opposition who determined not to cooperate in this scheme.

So the government wanting to do good was prevented from doing so by the fact that in its wisdom the Sri Lankan people had voted for one party - I'm afraid I might be wrong in some of the details of the Sri Lankan constitution at this stage. In its wisdom at any rate you had ended up with a situation where there was effectively deadlock with one party controlling the legislature and the other party controlling the executive. What we were trying to do was to devise ways in which the executive could bring about substantial autonomy in the provinces without having to legislate on the subject and we suggested that. They took our suggestion and then the tides of politics swept it all away and it didn't happen. But that introduced me to quite a few other Sri Lankan affairs in that Bill Wade then dropped out of the picture and left me to advise the Sri Lankans and once more I gave quite a lot of advice on how you could organise the government effectively to give substantial autonomy to the disaffected provinces and none of my ideas were implemented in this case either but I gave the advice.

Now what's happened in Sri Lanka seems to me to be that the Rajapaksa¹⁵ regime, its real problem is corruption more than anything else. Once peace had been achieved in the dispute with the north and the east it was a wonderful opportunity for Sri Lanka but it looks as if through corruption they've rather squandered it. They now face huge economic problems which is very sad.

68. Returning to Hong Kong, you were the Cheng Yu Tung Visiting Professor in Law from 2017 to '19 and you also advised the Hong Kong government on questions of constitutional and administrative law and I wondered whether in the last year or so with the constitutional settlement that the UK and the Chinese government struck in 1997 being overturned and the direct government from Beijing via the new security law, how you saw the new legal order apropos democratic processes, particularly judicial review, surviving under the new dispensation?

That's a very difficult question to which I really feel I don't know the answer. I have been involved with the Department of Justice in Hong Kong for more than 20 years, since I first began to advise them and then I've lectured to them on the rule of law and judicial

¹⁵ One of Sri Lanka's most powerful families - during Mahinda Rajapaksa's presidency, many members of the family occupied senior positions in the Sri Lankan state. In 2019 presidential election Gotabaya Rajapaksa, brother of Mahinda Rajapaksa won, but popularity of the Rajapaksa family collapsed after their actions caused an economic crisis starting in 2019. Sri Lanka defaulted on its debt, the first time since independence.



review time and time again. They seemed to like what I have to say and so they kept on inviting me back and then I would advise them and I have advised in case after case in judicial review application after judicial review application. So I know the Department of Justice in Hong Kong very well and many of the people who work in it and I'm going to be a bit cautious about saying anything about anybody because one doesn't know what comeback there may be to them, but it's certainly the case that Hong Kong people as a whole are committed to democracy and the Department of Justice and many people in the Hong Kong government would be similarly committed to democracy and that is now something that has to be confessed in secret rather than otherwise and I think it's absolutely tragic and it's to do with lack of compromise.

The government of Hong Kong was always going to be influenced by the fact that it has this huge neighbour just lurking over its shoulder the whole time. Much of the fresh water in Hong Kong and the electricity supply and much of the food, all of this comes from mainland China and so Hong Kong, even for its years under the British, is still dependent upon the Chinese government for its success. And there was just insufficient compromise by the Hong Kong democrats who wanted things such as independence and so forth which were just never going to happen and the mainland Chinese government which didn't have the good sense to realise that it had a pearl of great price in Hong Kong that it could easily destroy. It just had to accept that things were done differently in Hong Kong, the government should be criticised. What happens now, I don't know.

69. Professor Forsyth, the other so-called “Special Administrative Region” was or is Macau and I wondered whether you ever involved yourself with the legal framework of this enclave?

No. I do know that it is very similar to the Hong Kong Special Administrative Region basic law but I have never worked directly with it, but the people of Macau, whether it's because there were so few of them or whether it was because they were less democratically ruled by the Portuguese, what it is, there is very little of the same kind of pro-democracy movement in Macau that there is in Hong Kong. So we will have to see what happens.

I would very much like to go to Hong Kong and see what is going on. I haven't been to Hong Kong for more than two years what with the pandemic and so forth so I don't really know what it's like on the ground in Hong Kong. I don't think I would be arrested as soon as I set foot on the ground but I have to consider that.

70. That brings us to your retirement. You've been retired for five years and I wonder if you can say how you've continued your legal research and other hobbies now that you have more leisure time to pursue them?

I feel that in some ways I have been very fortunate but otherwise I'm unfortunate in that as soon as I retired I started getting ill and so I had thought of having some golden years to do what I wanted to in retirement. I now think I won't have that and I've done some things. With the assistance of others I've brought to conclusion the 12th edition of Wade and Forsyth on 'Administrative Law' and that will be appearing in six months' time or so. Some of my visiting professorship work at Hong Kong was done while I was technically retired from Cambridge but mostly I've found myself being far too busy, things that I have to do and whatnot, which is a great pity.

71. So, Professor Forsyth, looking back on this very eventful and successful career, could you say which areas of activity have given you the most satisfaction?

When I came to Cambridge I was delighted by what I discovered. Of course one had



known that Cambridge was a very good university and so forth and so on but I was delighted to discover that Cambridge was a self-governing community of scholars and I was naturally sympathetic to the democratic nature of Cambridge's government, when particularly since I had had some experience of even the liberal universities in South Africa come nowhere near Cambridge in terms of academic autonomy and self-government and so forth. So that I have been delighted by and therefore I have got most pleasure out of the part that I have played in that government of Cambridge and so my work as a Proctor, as a university advocate on the board of scrutiny, overall seemed to me to be continuing as what makes Cambridge different from other universities. That would be what I think gave me the greatest pleasure.

Then, I must be frank in saying, I've got pleasure out of the areas where I have been influential. I don't know whether I'm running ahead to talk about private international law but my work in that area has been quite influential and I take pleasure in that, particularly since I remember what it was like in the old days before the subject had been invented practically and I and Ellison Kahn¹⁶ were the only people in South Africa who were serious about the conflict of laws and how that's now been transformed, I take pleasure in that. And I think I have similar pleasure in the influence that I've had, although it's not nearly as great, on defending orthodox administrative law in the UK.

The fact that we have a sovereign parliament has to mean something for our administrative law and we can't really have a situation where talking about the theoreticals underlying the justification for judicial review has nothing to say on how judicial review cases are actually decided and to the extent that I have reminded people that the orthodox principles of judicial review are there for a reason, they can't just be discarded because it seems inconvenient, and I think that's something I take pleasure in too.

72. Thank you very much, Professor Forsyth. All that remains for me is to reiterate my gratitude for such a fascinating, interesting and thoughtful account. I'm very grateful and looking forward to resuming our conversation when we can talk about your scholarly work. Thank you so much.

¹⁶ Ellison Kahn, (1921-2007), Professor Law, University of Witwatersrand (1954-75).

