

Conversations with Professor Tony Jolowicz

by
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Second Interview: Cambridge (1955-)

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Between January and April 2009 Professor Jolowicz was interviewed three times at his home at Barrington, near Cambridge to record his reminiscences of over sixty years of an illustrious academic career, the majority of which was spent in the Faculty of Law at Cambridge.

The interviews were recorded, and the audio version is available on this website with this transcript of those recordings. The questions and topics are sequentially numbered in the three interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.

Interviewer: Lesley Dingle, **her questions and topics are in bold type**

Professor Jolowicz's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

97. Professor Jolowicz, in our first interview we covered your childhood and memories of your parents. You reached the stage where you had completed your first degree at Cambridge and practised as a lawyer in the early '50s.

Before moving on, I wonder if we could return to a few points from the first interview. Do you have any reflections, either your own or second-hand from your father of David Daube³, who began at Cambridge, moved to Aberdeen, Regius Professor at Oxford, and ended up at the University of California?

Well, yes, I do have very strong recollections and I've even got, sitting on there, that book of his reflections.

98. His reflections? I might just have a look at, at some point.

Well, I think it's here. David Daube was part of my life. My understanding is he came from Germany where he had an introduction to my father. I'll find it for you. That's it.

99. Thank you, interesting. This is a recent publication?

Very recent, yes.

100. So, Professor Jolowicz, obviously you met him several times?

Oh yes, yes.

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

² Freshfields Legal IT Teaching and Development Officer, Faculty of Law, Cambridge University.

³ 1909-1999. Professor of Jurisprudence Aberdeen 1951-55, Regius Professor of Civil Law Oxford, 1955-70.



101. Any memories that stand out particularly?

Well, he was a very lively scholar, at one time a very orthodox Jew and then that went. That really broke up his marriage, I think, perhaps that's not for me to say that, but when he became Regius Professor, following my father in Oxford, his wife couldn't bear the restrictions of the Sabbath. She said, 'I want to go out Friday nights. You probably know enough...

102. No, no, I don't.

Friday night is the incoming of the Sabbath, and family gathers for the evening meal and she didn't like that being tied down.

103. Right, how sad.

It was sad and you know he eventually went to the States. But he was a very interesting man, I think, yes certainly. And he was immensely scholarly, not only in Roman law but in New Testament theology.

104. I've heard that he was very charismatic.

You could get quite a lot out of that [*LD: Daube's book*], I don't suppose the library's got it, they probably haven't.

105. No, but I will see that we acquire it - this looks extremely interesting. Thank you for drawing my attention to this.

Yes, certainly I knew David Daube because of the close connection with my father. I was never a serious Roman lawyer; I got rid of it quickly before I came up, actually.

106. Yes, you forged your own way.

I had quite a longish period when I came out of the army before I came up in 1948. I was demobilised and I think it was February or March and I spent that period, before coming up to Cambridge in October, basically doing the Roman Law, the Bar final requirements, under my father. I went to his lectures in London; did I not say this last time?

107. Yes, very interesting. So you were actually in his class?

Well, better than that, I went to his lectures, which was a weird experience. Some people didn't know who I was and many people did. I had my supervisions at home and I took the Bar exam... you could take these in bits at that time and I sat the papers for the Roman Law in the Bar examination before I came up and I got shot of it, as it were. So I didn't do Roman Law here at all.

108. I see.

Because I had this two-year degree.



109. So Professor Jolowicz, you mentioned in your previous interview that you did some teaching at University College at Oxford. When was that?

That would have been, let me see, '51 I think, 1951 to '52, only for one year. I chose to do that, I was at the Bar doing a pupillage at that stage and it seemed to me... I wanted to do some weekend teaching and at that point it appeared to be entirely obvious that I should go where my home was. My father was by then Professor at Oxford and we had a house just outside Oxford. So I used to go back for that one year and then I found out I was elected to a fellowship at Trinity, the junior research fellowships, and then I decided I'd go to Cambridge and teach at Trinity and become a Fellow.

110. Do you remember any particular colleagues from that time at Oxford?

Norman Marsh for instance, who was the law tutor at UNIV and who gave me that first job and actually I got to know him quite well. I knew him... because of family connections; I knew an awful lot of people.

111. It must have been a happy time?

Well, in many ways of course, yes. But quite out of the ordinary way of being on fairly easy familiar terms with people like David Daube and with John Morris⁴ and various other people at Oxford. And part of this, Poppy [*LD: Mrs Jolowicz*] would say not quite the same thing: she would say by discovering. When we got married, she suddenly discovered that a whole lot of footnotes were people! Because she was a bit more of a Roman lawyer than I was and seeing these names in my father's historical introduction and then suddenly these people turned out to be real people. So I did know quite a lot of people and not everybody particularly well but, yes. I must have told you about my first meeting with Kurt Lipstein?

112. When he came to your father's house in London?

Yes.

113. Yes, which was the beginning of a very long relationship. Well, yesterday would have been the anniversary of his 100th birthday.

Oh yes.

114. Professor Jolowicz, we come now to the most substantial part of your career, from 1955 to 1993, nearly 40 years. First at Cambridge, you became an assistant lecturer in 1955, a lecturer in 1959, Reader 1972 and then from 1976 to 93 you were Professor of Comparative Law.

So I wonder if we could now go through this period in your life and you could talk about various aspects, starting first of all with your own progress. Perhaps you could recount how your career developed, as you progressed up the academic ladder from an assistant lecturer to professor?

⁴ John Humphrey Carlile Morris, Barrister, Reader in Conflict of Laws Oxford.



Well, of course that's obviously of interest, I suppose, but it's important to realise is that the colleges played a great part. I mean, it wasn't only a career in the university and the faculty but very much one at Trinity College, which was my main teaching job, of course.

115. Were there, in this period, any outstanding events that strongly influenced your career?

Well, yes, I suppose. I had the very great good fortune of having too many choices as to whether I stayed at the Bar or the opportunity of coming back here, which was more or less laid down on a plate for me by Professor Hamson. I had got, had this good fortune to get a Prize Fellowship at Trinity and this happened because I'd done... I was in that middle group of people after the War who were not particularly old but had done four years away. I was 22 when I came up, which put me down as one of the youngest people around and I decided, after doing two year tripos, as a so-called veteran that I wanted to do something more serious than exams and I didn't want to do the LLB, as it was, because I didn't want to do anymore exams. And I went to see Jack Hamson, who I owe more than anybody else I think for taking care of me. He said I should write a dissertation, we had this Prize competition in the College and I should write a dissertation, which I did. And I don't know whether this is for the record but Jack Hamson was a very remarkable man in many ways, quite outspoken in some ways, he didn't mind what he said because I suddenly thought in the middle of this... I started work on this dissertation that maybe I could get a sort of PhD on the cheap because the same work would go into it and I went to see Jack Hamson and I said to him, should I register with the Board of Graduate Studies and see if I can get a PhD on this same work and he said, 'Certainly not, no gentleman takes a PhD, that's for scientists and foreigners.' So I don't have a PhD.

116. Interesting, that was his influence?

Well, certainly I mean, he didn't have a PhD either. That was his view, that he got me doing that work and I did that work, sort of a curious episode. After I went down I did a certain amount of time with a solicitor's office and then there was still those old fashioned days, you had to be fumigated. I was going to go to the Bar and you had to have a period after leaving a solicitor's office, you being a pupil or something, you had to be away from the solicitor for a substantial period of time before you were called otherwise you were contaminated by these awful people, solicitors. So I did The Bar examination and I wrote the dissertation, it was successful and that really made me think, otherwise I'd always been destined for the Bar really, never occurred to me to be an academic. But somehow or other I found I could do this thing called law.

117. And that is how your research and your teaching evolved?

Well, yes of course the research, some pieces of research, were pretty well chosen for me - they were much narrower: the history of vicarious liability and master and servant. I submitted it and was elected. And then I started teaching at Trinity but I still was doing it from London, coming up at weekends and then I went for triangular weekends. I would come up from London to Cambridge, teach on a Friday evening and Saturday morning, Saturday - middle of the day, I would go off to Oxford - go home, and then on Sunday again, I went back to London. So I had a triangular existence.



118. So you would drive?

Yes.

119. It must have been quite tiring?

Well, no, I was healthy and I was young.

120. An interesting life. Professor Jolowicz, when you look back do you wonder ever about roads that perhaps weren't taken?

Of course I do. Even now occasionally; what would have happened to me if I had taken the other road, the Bar? Whether I would have been Lord High Everything Else, as they say, or just starved to death. And I shall never know the answer to that. But it wasn't an easy question because I hadn't really got... I was in part in some ways a practitioner - I went on doing a bit of practice, quite a lot, and then it all sort of came back in a rather different form towards the end of my active career than when I started. I found myself being, to some extent, in demand in rather more complex and expensive matters and I also learnt the extraordinary differences, I mean, the amount of money you earn if you are a successful barrister, and as an academic. Actually before I was in Silk, I did a case and I tried to tot up approximately how many hours I did on this particular case and I reckoned that the amount of work was about the same as six weeks of a full-time employment. I earned over that notional six weeks, more than my annual salary.

121. Goodness. So what was your involvement on this occasion?

Well, in the main I did advocacy afterwards. In that particular case, I was brought in as Junior Counsel, because I was not in Silk then, to assist. To do donkey work, research work I suppose, and working together in a substantial team, quite a big case, foreign taxation...

122. So were you involved over the years in many cases?

Well, at the beginning when I was (a) at the Bar and (b) hanging on after I came back, it was very difficult to be sure what I wanted to do because I was accursed, I think is the right word, with some sort of conscience. I was a person purporting to practise at the Bar, so I could not say to a solicitor, 'No, I'm afraid I can't go to court on Tuesday because I've got a lecture.' You can't do that, nor could you do it the other way round, it wasn't fair to undergraduates to say, 'Oh no, I'm terribly sorry, I can't lecture next week because I've got to be in court.' You can't play with them and so it fizzled out, except for paid work occasionally people asked me to do an opinion or something or other. And then much later I got involved in some quite big cases and this is my boast and I'm rather pleased with it, and I can tell my grandchildren that I have, on two occasions, addressed the House of Lords.

123. And those occasions, Professor Jolowicz were?

Well, two cases. One was called *White & Jones* about the potential liability of solicitors: I wasn't doing any advocacy then. The other Lords case was the overseas taxations complex case, as to whether a financial advisor to somebody, by then dead, had to disclose to the Norwegian tax authorities the earnings of the chap; he was an extremely wealthy ship owner. A question as to whether the Norwegians could get at him for tax.



124. What year was that, Professor Jolowicz, do you remember?

I can find it; it is a reported case.

125. I'll look that up.

I could find it for you. I think it's called *In Re. Norway* or something boring like that.

126. Professor Jolowicz, it might be the time now to talk about your colleagues during this long period of your academic activity. I thought we might split this into three sections, the people who were in post when you arrived; the colleagues who arrived after 1955, and finally, various Goodhart professors.

Perhaps if we turn to the list you could say something about the colleagues that you remember, starting with 1955 when you arrived?

Oh yes, well, Bill [*LD: Lord Wedderburn*⁵] was one I knew. He was more or less exactly contemporary, a little older than me and he was a Fellow of Clare and he used to entertain on Friday evenings. I went to his house quite a lot on Friday evenings and we disagreed vehemently on matters political. Oh very left.

127. Were you very left?

No!

128. He was? Do you remember any specific points?

Well, not particularly except they were rather left-wing evenings and I think I remember somebody else there said, 'I don't think I've ever met a conservative'. So I said, 'Well, meet me'. He was very bright, he is still going and he's retired of course. He livened up the Faculty quite a bit. But not easy.

Now McNair⁶, well, he was much senior to me, out of reach. I knew him when everybody knew him around those days and he knew my father of course – this continuous thing all the time.

Toby Milsom⁷. Toby Milsom actually taught me, as he was a Fellow of Trinity at that time and supervised me in the English legal system paper, which was mainly historical.

And Radzi [*LD: Radzinowicz*⁸] He came to know my father; he was mid-way, because he's younger than my father, but a good deal older than me and well known. I did occasionally go round to his house at his invitation and we had him here.

⁵ b. 1927. Kenneth William Wedderburn, Baron Wedderburn of Charlton, Labour politician, lecturer in law at Cambridge, later Cassell Professor of Commercial Law, London School of Economics. Descendent of a plantation slave: see

<http://www.telegraph.co.uk/news/features/3631782/Still-fighting-for-freedom.html>

⁶ 1885-1976. Lord, Professor, Sir Arnold Duncan McNair. Whewell Professor of International Law 1935-37, Vice-Chancellor Liverpool University 1937-45, IJC Judge 1946-55, President 1952-55, President European Court of Human Rights 1959-65.

⁷ Stroud Francis Charles (Toby) Milsom QC MA FBA, Fellow of St John's College, Professor of Legal History LSE, Professor of Law Cambridge 1976-90.

⁸ 1906-1999. Professor Sir Leon Radzinowicz, Wolfson Professor of Criminology, Department of Criminal Science, Cambridge. Refugee from Poland in 1930s.



Bill Wade, H. W. R. Wade⁹ was my supervisor and director of studies for part of the time I was up at Trinity and there was also the other Wade.

129. Emlyn [Wade]¹⁰?

Emlyn, yes, whom I also knew because of his connection with father and I met his elder daughter in our prams.

Glanville Williams¹¹, I didn't know well, he was there of course. He was not easy to get on with.

130. He was a conscientious objector...Professor Lipstein was telling me.

Yes, he was. It wasn't that. That didn't cause any problems because we were well out of the war by then. I came up in 1948 as an undergraduate.

Meredith Jackson¹², I got to know and like much more than I expected. When I got onto the staff, we went to his house and met his wife and he came here on occasion for an evening meal.

Hamson, I've mentioned. Hamson is absolutely number one in my career, outside my family. I mean, more influence than anybody else.

131. Was it he who started the summer school courses?

Yes. He had an immensely capable mind and was a superb lecturer, outstanding lecturer, in my view. A great actor. I saw him do it at least twice so I know it was not just genuine. He would come into the lecture room carrying a little tooled leather briefcase and put it on the lectern and pull out the papers, 'Oh dear, I've brought the wrong notes, never mind' and give a perfect lecture with all the references and everything. As I say, I saw him do it at least twice.

132. I remember Professor Lipstein told me that he was somewhat altered when he came back from the war.

Oh, absolutely. I didn't know him before that, but he was captured on Crete and he spent a very considerable number of years, I think, in a German prison camp. And they were a Catholic family and his mother, who was very worried about him in this German prison camp and she... devout Catholics, Jack also, she wrote to some Cardinal, I'm not a Catholic, I don't know the sequence, but she wrote to one of the Cardinals, who did actually become Pope, I'm not sure which Pope saying, 'Will you please see that my son gets some warm boots in his prison camp.' And Jack wrote a remarkable book when he was in prison. Somebody discovered it and it was brought out by the College, Tony Weir¹³ principally acted as editor and which he called

⁹ See Q68.

¹⁰ See Q81.

¹¹ See Q69.

¹² Richard Meredith Jackson, Downing Professor of the Laws of England 1966-1970.

¹³ Fellow of Trinity College, Reader in Law.



Liber in Vinculis. It was all done on little scraps of paper because he wasn't supposed to write things down and it has been published. I think I've got a copy up there somewhere.

133. That was presumably his memoirs as a prisoner?

Yes, well it was an extraordinary very interesting document. It was while he was in prison he wrote, as a prisoner. Part of it was a most vehement condemnation of the invasion of Crete and that General Freyberg¹⁴, said it was the most crazy exercise. And he didn't have anything to do with the escaping from that, he just said to go and... He was older than most people but he did speak Greek, that's why he got into the ... he spoke Modern Greek because he was born in... Oh, I've forgotten the name of the island, Greek Island just off the coast of Turkey and he had a Greek nanny so I think the first language he spoke was Greek.

And he had a very strong views. He was ever so a caricature of the Englishman. His mother was French and she is recorded to have having said, 'My son, Jack, he speaks French like an Englishman'. His French was very fluent and had an abominable accent. But he did a tremendous amount for me and pushed me into this Prize Fellowship and saw to it that I got a job.

134. They lived in Cranmer Road, didn't they?

Yes, number 7 Cranmer Road.

135. Which is next to the present Lauterpacht Centre, I think.

Yes, well, it's part of it now. But he was the one I really owe more than anybody else. Whalley-Tooker¹⁵, I hardly knew, I didn't have much to do with him.

Patrick Duff¹⁶, I knew because he was in the same business as my father and always around.

An extra name could be Harry Hollond¹⁷ because again with my father, he was slightly senior to my father here at Trinity and was such a character, everybody knew him. I mean, oh everybody had their own stories about Harry Hollond.

136. He was very much his own person, as I understand it.

Yes.

And Gutteridge¹⁸..... I didn't know him, my father insisted, before I came up actually, he said, 'I'm going to take you to a lecture by Gutteridge; you won't understand anything but you should at least have attended a lecture by Gutteridge.' It was probably a lecture in Kings London, I think and it was very much a conflict of laws problem about the enforcement of maintenance agreements across frontiers, I can't remember anything about it, but I did know him, yes. I hardly knew what marriage was; I hadn't started law at all really. But we went to

¹⁴ 1889-1963, General Bernard. Freyberg, 1st Baron Freyberg, VC. New Zealander, commander of the Allied forces on Crete 1941.

¹⁵ H. C. Whalley-Tooker, legal historian, Senior Tutor Downing College.

¹⁶ Q70.

¹⁷ Q77.

¹⁸ 1876-1953. Professor Harold Cooke Gutteridge. Professor of Industrial & Commercial Law, University of London 1919-1930, Professor of Comparative Law Cambridge 1930-1941.



Kings London to hear the great man lecture and I... it was something to do with the enforcement of maintenance orders across frontiers, long before the European Union or anything like that. Well I don't think I understood much but I had seen Gutteridge. That was my limited knowledge of him really.

137. Was he quite a competent lecturer?

Well, I would have thought so, yes. I mean, I think it was the first time I had ever heard anybody lecturing on law.

138. He was Professor Lipstein's mentor.

Yes, I know.

139. Cross-border maintenance was something Professor Lipstein was very interested in. Apparently Gutteridge's father had a business in Naples.

Yes, Gutteridge was born in Italy.

140. I was amused when Professor Lipstein told me that he spoke Italian with a very curious accent, which Italian academics used to find quite characterful.

Well, I learnt quite a lot about Gutteridge when I did my piece in that *Jurists Uprooted*, because I did a piece on comparative law in the 20th Century and Gutteridge supplied information on the English/British academics. He was overpowering.

141. He started comparative law at Cambridge?

Yes.

142. In terms of the library collection as well.

And research students. Most of whom were foreign at this time.

143. That brings us into the period after 1955?

Well, that's a very difficult sort of thing to do, I'm not quite sure, I didn't know everybody on this list very well but to a very large extent but these are... this is a list of people I had as friends.

Len Sealy¹⁹, I knew well. Derek Bowett less well because I'm not an international lawyer. Gareth Jones²⁰ became a very close friend in fact. O'Higgins²¹, I didn't know at all well. Colin Turpin²², slightly. Tony Weir²³, I taught and I've been a close friend ever since. Polack²⁴, I knew slightly, not terribly well. John Hopkins²⁵, yes. John Collier²⁶ ... Peter Stein, my father's Roman law connection came through again.

¹⁹ Len S. Sealy, Professor of Corporate Law Cambridge.

²⁰ b. 1930. Gareth H. Jones, Downing Professor of the Laws of England 1975-98. Vice-Master of Trinity College 1986-92, 1996-99.

²¹ b. 1927-2008. Paul O'Higgins, Regius Professor of Laws Trinity College Dublin 1984-87, Professor of Law Kings College London 1987-92. Fellow of Christ's College 1959-84, Vice-Master 1992-95.

²² b. 1928. Fellow of Clare College, Reader in Public Law Cambridge 1992-95.

²³ Emeritus Fellow of Trinity College 1962, Reader in Law, *Economic Torts* (Clarendon Press) 1997.

²⁴ 1933-95, Fellow of King's College, Tutor/Lecturer 1961-69, Bursar 1969-81.



144. He was a great admirer of Daube.

Yes, I know. David Williams²⁷, yes somehow we got friendly. Glazebrook²⁸, I didn't know at all well, we worked together on various things. Bob Hepple²⁹, yes. John Tiley³⁰ - I was

on the appointments committee that gave him his job. Marston³¹, I hardly knew at all. Patrick Elias³² I knew and know well. Markesinis³³, yes. Napier³⁴ I knew tolerably well, nothing special. Philip Allot³⁵, well yes, he's a fellow Fellow of Trinity, part of the team. Christopher Greenwood³⁶, Vaughan Lowe³⁷, now in Oxford. John Smith was a visitor, he wasn't on the staff really.

145. He was at Nottingham?

Yes. I got to know him much more through the SPTL in some ways because we were both involved there. Tony Smith³⁸, I knew slightly, not well. Bill Cornish³⁹ came much later.

146. Professor Jolowicz, any of the Goodhart professors?

Yes, André Tunc⁴⁰ is, ... was, alas he's dead, a very close friend of mine, we saw a great deal of each other. He was the first Goodhart professor and I have done quite a lot of work

²⁵ b. 1922. Emeritus Fellow and Director of Studies in Law, Downing College, University Lecturer in Law.

²⁶ Fellow of Trinity Hall, International lawyer. Co-author with Vaughan Lowe of *The Settlement of Disputes in International Law*, 2000, OUP.

²⁷ See Q65.

²⁸ Peter R Glazebrook, Emeritus Fellow of Jesus College, University Lecturer in Law, Criminal Law and Legal History. Editor of *Blackstone's Statutes on Criminal Law* (19th Edit. 2009).

²⁹ b. 1934 in Johannesburg. Professor of English Law University College London 1982-93, Emeritus Professor of Law Cambridge, Master of Clare College 1993-2003, Human Rights and Labour Law. See his entry in the Eminent Scholars Archive.

³⁰ Professor of the Law of Taxation 1990-2008, Fellow Queens' College Cambridge.

³¹ 1938-2002. Geoffrey Marston, Lecturer in Law and Fellow of Sidney Sussex College.

³² b. 1947. Right Honourable Sir Patrick Elias, Lord Justice of Appeal, President of the Employment Appeal Tribunal.

³³ Sir Basil S Markesinis, Jamail Regents Professor at the University of Texas at Austin. Previously Fellow and Director of Studies in Law at Trinity College, (1974-86) and Lecturer in the Faculty of Law, University of Cambridge (1978-86).

³⁴ Brian W. Napier, Former Lecturer in Law at Cambridge, sometime Digital Professor of Information Technology Law, Queen Mary & Westfield College, University of London.

³⁵ Emeritus Professor of International Public Law.

³⁶ b. 1955. Judge of the International Court of Justice 2008 -

³⁷ Chichele Professor of International Law and Fellow of All Souls College, Oxford. Previously Fellow of Corpus Christi and Reader in International Law Cambridge.

³⁸ b. 1947, Professor Anthony Terry Hanmer Smith, New Zealander. Pro Vice-Chancellor, School of Government, and Dean, Faculty of Law, Victoria University of Wellington, since 2007. Fellow and Tutor Gonville & Caius since 1990.

³⁹ b. 1937. William R Cornish, Reader in Law, University of Durham (Dean of Faculty 1984-5) Professor of Law, University of Reading (Head of Department 1998-1990) External Academic Member of the Max-Planck-Institut für Patent-, Urheber- und Wettbewerbsrecht, Munich Previously Professor of English Law at the London School of Economics (University of London) from 1970-1990.



within and with French law and the French language too, some of it. And he gave me a great compliment once when he said to me that, ‘You may lecture in French but you may not publish in French, without showing it to me.’ He was a great, great friend and a lovely man, marvellous man.

Schmidt⁴¹, I don’t remember. Traynor⁴², I knew very slightly, not well. Otto Kahn-Freund⁴³, we get into the family mix-up generally again, because Kahn-Freund had been a pupil of my uncle by marriage, Martin Wolff⁴⁴, and then Kahn-Freund’s daughter was at Girton with Poppy and they all came round again.

Blanc-Jouvan⁴⁵, yes. I had known him and he is widowed now, alas. There’s a French connection because I did a certain amount of work and I taught... had a year and a quarter effectively, teaching in Paris and I got to know him very well then. Also, he was very close to André Tunc.

Gross⁴⁶ I didn’t know at all well. d’Epinay⁴⁷, I’m afraid the name doesn’t even say anything to me. John Morris⁴⁸, I knew of course again, that would be Oxford connection coming around again. Calabresi⁴⁹, I knew him fairly well.

John Hazard⁵⁰, yes, I knew him quite well. A lovely man, most interesting man and a man with an ability to take life as it came. I was at one period involved in that so-called International Faculty of Comparative Law in Luxembourg and we went there... Remember the U2, I think it was shot down⁵¹?

147. That’s right.

Well, that was all going on when I was in Luxembourg on that occasion and we... a few of us, I can’t remember how many, not very many, all agreed to go out to lunch together, John Hazard being one of them. We went to lunch, he was relaxed, he was talking about this, that and the other and absolutely anything, and then he looked at his watch and said, ‘Well, I’m sorry, I’ve got to go now because I’ve got to go to the Russian Embassy, to see if I’ve got a visa because if I have, I’m leaving this afternoon to be an observer at the trial of the pilot of this

⁴⁰ 1917-99. Professor in Faculty of Law Paris 1958-69. Inaugural Goodhart Professor 1972-3, Trinity College. Visiting Fellow, All Souls Oxford 1970. See obituary:

http://www.persee.fr/web/revues/home/prescript/article/ridc_0035-3337_2000_num_52_1_18129

⁴¹ Folke Fredrik Schmidt, Goodhart Professor 1973-4., Trinity College.

⁴² Roger John Traynor, Goodhart Professor 1974-5, Jesus College.

⁴³ 1900-79, b. Frankfurt-am-Main. Emigrated to England 1933. Professor of Law, LSE 1951-64. Professor of Comparative Law, University of Oxford 1964-70. Goodhart Professor 1975-6. Trinity Hall,

⁴⁴ See Q24.

⁴⁵ b. 1930. Xavier Blanc-Jouvan, Emeritus Professor of Law, University of Paris. Goodhart Professor 1976-7. Queens’ College. Director of the *Revue internationale de droit Comparé*, and a Member of the International Academy of Comparative Law and of the *Academia Europaea*.

⁴⁶ Hyman Gross, Goodhart Professor 1977-8, Corpus Christi.

⁴⁷ Pierre Andre Lalive d’Epinay, Goodhart Professor 1978-9, King’s College.

⁴⁸ See Q111. Goodhart Professor 1979-80, Gonville & Caius.

⁴⁹ Guido Calabresi. Sterling Professor Emeritus of Law, Yale, United States Circuit Judge from 1994. Goodhart Professor 1980-81, St John’s.

⁵⁰ 1909-95. John Newbold Hazard, Nash Professor of Law, Columbia Law School. Goodhart Professor 1981-82, Trinity College.

⁵¹ 1960. The pilot was Francis Gary Powers.



aeroplane. Taking a plane to Moscow this afternoon, I don't know whether I'll be in Moscow or not in half an hour's time.'

148. That's a lovely story.

So calm, he was absolutely gifted in that way, I'd love to have a go, I get nervous about things. And I remember he did go to Moscow as it happened.

149. Got his visa?

Yes. He was a very remarkable chap in many ways. You know of course Soviet law was his great thing. And much later... no, no, it wasn't later, it was before when there was this conference in Chicago, The Rule of Law and the Russians were there and I don't know how they got away with it actually because the leader of the Russian delegation to this conference found that his own interpreter, supplied by the State, was very bad and so he got John Hazard to do all the translation from Russian to English. He was held in that kind of respect, even by the Soviets.

And Honnold⁵² I didn't know at all. Von Mehren⁵³, I became very friendly with, yes. Van Caenegem⁵⁴, slightly, not so much. Rosenne⁵⁵ I didn't know very well really, I didn't see much of him when he was here. Robert Heuston⁵⁶, yes, there were all sorts of things: (a) tort and (b) Oxford. John Fleming⁵⁷, likewise. Cappelletti⁵⁸ I became very friendly with, I knew him very well, long before he came here. Which Smith is that then? Is it John Smith? JC Smith⁵⁹?

150. I'm not sure.

John Smith was Goodhart, I think. Wright⁶⁰ - which Wright is that? Summers⁶¹ I knew but not at all well really. Leslie Zines⁶², I remember him, so so but nothing special.

⁵² John Otis Honnold. Professor of Law University of Pennsylvania Law School, Former Chief of the UN International Law Branch and Secretary of the UN Commission on International Trade Law. Goodhart Professor 1982-3, Churchill College.

⁵³ 1922-2006. Arthur Taylor von Mehren. Story Professor of Law Emeritus at Harvard Law School Goodhart Professor 1983-4, Downing College.

⁵⁴ Raoul Charles Joseph van Caenegem, Professor of History at the University of Ghent. Francqui Prize 1974. Goodhart Professor 1984-85. Pembroke College.

⁵⁵ b. 1917. Shabtai Rosenne, Goodhart Professor 1985-86, Magdalene College.

⁵⁶ 1923-1995. Heuston, Robert, Francis Vere. Legal scholar. Goodhart Professor 1986-87, Jesus College. Regius Professor Trinity College Dublin 1970-83.

⁵⁷ 1919-97. John Gunther Fleming. Born in Berlin. Goodhart Professor 1987-88, Trinity College. Cecil Shannon Turner Professor of Law, University of California, Berkeley (Boalt Hall). Dean of Law Australian National University.

⁵⁸ 1927-2004. Mauro Cappelletti. Born in Italy. Goodhart Professor 1988-89, Clare College. Emeritus Lewis Talbot and Nadine Hearn Shelton Professor of International Legal Studies Stanford University.

⁵⁹ 1922-2003. Sir John Cyril Smith, Goodhart Professor, 1989-90. Downing College. Professor of Law Nottingham University, member of the Criminal Law Revision Committee.

⁶⁰ 1927-2000. Charles Alan Wright. Goodhart Professor 1990-91. Wolfson College.

Professor of Law, University of Michigan Law School. Constitutional Law, involved with President Nixon in defence of the Watergate affair.

⁶¹ b. 1933. Robert Samuel Summers, Goodhart Professor 1991-92, Queens' College. Legal Science. William G. McRoberts Professor of Research in the Administration of the Law, Cornell University Law School.

⁶² b. 1930. Leslie Ronald Zines, Goodhart Professor 1992-93, Wolfson College. Emeritus Professor, Australian National University. Constitutional Law, Comparative Federalism.



151. He was very fond of Professor Lipstein, he always used to come and say hello to him.

Yes, yes.

152. Professor Jolowicz, that brings me then to students that you taught and I wonder if you could recollect any notable students that over the years that your remember particularly?

Well, I think I would probably have safely said Tony Weir was undoubtedly the brightest of my pupils who it is least appropriate to say, 'I taught him.' And then yes, I suppose, Gordon Slynn⁶³, who was not much younger than me, but he was a bit younger than me. He was a pupil of mine, having graduated in modern languages in London before and having done military service.

153. Lord Slynn?

That's right, yes, in the European Court and in the House of Lords eventually and he is now unfortunately very ill [*LD: he died April 2009*]. Now, he and I became good friends and over a period of time there was a possibility that he wanted to possibly have done academic glory and he started to write a dissertation for a Prize Fellowship, but he didn't pursue it. He got involved in the Bar... he was an extremely competent barrister and he went on to Brussels and then he came back into the House of Lords.

And the other one was, I suppose, who was a formidable student in class was William Goodhart, Lord Goodhart⁶⁴, and he and Gordon Slynn were in the same class and they were quite noticeable. Gordon Slynn's handwriting was almost illegible because it was so small. William Goodhart, his essay writing was really... he'd got very short sentences and got a bit of a statement, reference to a case, move on. And reading between the lines, you could see the intellectual arrogance of the man – why am I being bothered with this elementary stuff?

I had two others both who have gone to the House of Lords, Robert Walker⁶⁵ and Richard Scott⁶⁶ – Lord Walker and Lord Scott.

154. We have created a section on the Goodhart Professorship and there is a section on the original Lord Goodhart in the Eminent Scholars' Archive. I was in touch with the son and he sent me some lovely photographs.

Which? There are three sons.

155. The son who became a Conservative

Philip? Of his three sons, that's Philip⁶⁷, who went into parliament.

⁶³ See Q54.

⁶⁴ b. 1933. Lord William Howard Goodhart, QC. Liberal Democrat politician, leading human rights lawyer and a member of the House of Lords, Past Vice-president of the International Commission of Jurists. Son of Arthur Lehman Goodhart.

⁶⁵ Lord Robert Walker of Gestingthorpe. Trinity College. High Court Judge 1994. Lord Justice of Appeal 1997. Law Lord since 2002.

⁶⁶ b. 1934, South Africa. Scott, Lord Richard Rashleigh Follitt, Baron of Fosco. Trinity College. Lord of Appeal in Ordinary 2000.



156. Right, that was the one.

And then there's William⁶⁸, who's the second one and a Liberal Democrat peer. And the third one is Charles Goodhart⁶⁹, an economist.

157. An illustrious family. Also a very interesting family history, originating in the States.

Oh yes, the Lehman Brothers⁷⁰... everybody knows about Lehman Brothers now.

158. Well, yes, and Lord Goodhart's grandmother was a Lehman - Arthur Goodhart's⁷¹ mother. Yes, the two brothers made their money in the South, the original Lehman Brothers, if I remember correctly.

I didn't know that.

159. Professor Jolowicz, that brings me to your appointment to the Chair of Comparative Law. This is a major development in an academic career, do you remember the circumstances of this?

Well, yes, there was no Chair, it was just a personal Chair. I'd done... had rather good luck I suppose getting the readership first. Clive Parry⁷² started that and I had hopes that something of that sort might happen but I became... When Parry was chairman of the faculty, I think, he said to me, 'I want you to send me a *curriculum vitae* and you're not to wonder why I want it' and then I became a Reader. The other thing, I must have been put forward, by Parry. I never really understood how I was pulled out of the ruck. I suppose I had started to show some interest in Comparative Law and written one or two things and somebody must have thought, it would be a good idea to do this. Parry's view, I remember very well because he said something nice about it. He had had a personal chair.

160. That was in International Law?

Yes.

161. So yours was the first Comparative Law chair?

⁶⁷ b. 1925. Sir Philip Carter Goodhart, Conservative politician. Junior Northern Ireland minister (1979-1981), junior Defence minister (1981).

⁶⁸ See Q. 153.

⁶⁹ b. 1936. Charles Albert Eric Goodhart, Emeritus Norman Sosnow Professor of Banking and Finance, LSE, developed Goodhart's Law.

⁷⁰ Global financial services firm that went bankrupt in the 2008 "Credit Crunch".

⁷¹ Arthur Lehman Goodhart (1891-1978) after whom the annual post of Arthur Goodhart Visiting Professor of Legal Science at Cambridge, is named.

⁷² 1917-82. Clive Parry, Professor of International Law University of Cambridge 1969-1982.



No, no. Well, that was a question of if you got a personal Chair, you could choose your own title. Gutteridge⁷³, McNair⁷⁴, Hamson⁷⁵ and I chose Comparative Law. Not many people seem to know that McNair was a professor of Comparative Law.

162. I thought he was International Law.

No, and he went off to Liverpool.

163. Interesting. But you were going to say something when I interrupted you, sorry, Professor Jolowicz, about Clive Parry?

Oh yes. He said ‘This is a far better thing than being elected to an established Chair - that’s just a pat on the back by a few old friends. This means that the university have approved of you.’ Of course, there are far more personal Chairs than there ever were now.

164. In the last few years.

Oh, yes, yes.

165. So, Professor Jolowicz, who has succeeded you in..

Nobody. There’s no question of succession.

166. No, but I mean there hasn’t been an appointment since you retired, in Comparative Law - another Chair in Comparative Law?

No, no.

167. And yet it’s becoming such an important topic - important in the Faculty at the moment, Comparative Law?

Yes, quite a few people do something about it, Tony Weir⁷⁶ does... did, a certain amount and Neil Andrews⁷⁷ a little bit.

168. And Richard Fentiman.

Richard Fentiman⁷⁸, he does much more in Conflicts. Munday - Roderick Munday⁷⁹.

169. There’s a fairly new appointee ,you may have met him, Jens Scherpe⁸⁰? He’s quite active in Comparative Law.

⁷³ 1876-1953. Professor Harold Cooke Gutteridge, Professor of Industrial & Commercial Law, University of London 1919-30, Professor of Comparative Law University of Cambridge 1930-1941.

⁷⁴ 1885-1976. Professor Sir Arnold Duncan McNair, Whewell Professor of International Law, 1935-37, Professor of Comparative Law, Cambridge 1945-46. Vice-Chancellor Liverpool University, 1937-45. Judge of the International Court of Justice, 1946-55, President (1952-55). President of the European Court of Human Rights, 1959-65. Fellow of Gonville & Caius College.

⁷⁵ See Q21.

⁷⁶ Emeritus Fellow of Trinity College.

⁷⁷ Director of Studies in Law and Fellow at Clare College, Specializes in civil procedure.

⁷⁸ Director of Studies in Law, Queens’ College.

⁷⁹ Fellow and College Director of Studies in Law, Peterhouse.



Oh yes, I saw him at Trinity, when he came first to Trinity. He's really done remarkably well, in my view, because it can't be easy, as he actually is a German. And a German lawyer and he's managed to learn enough English law to teach English lawyers.

170. As I understand it, he actually grew up partly in Denmark.

I didn't know that.

171. Professor Jolowicz, during your time at Cambridge you must have seen some major changes in the Faculty and I wonder whether you can say anything about things that spring to mind. For example, the massive enlargement in staff and students. Anything that stands out?

It seems to me, I don't quite know how it's happened, that the Faculty has arrived at a situation where it has got enough money, but we were very far from that. I tried when Professor Jennings⁸¹ was the Chairman and I was the Secretary and he wanted to have a number of meetings, committee meetings, during the lunch period, at that time it was fairly necessary, and he wanted me to pursue with the General Board through officers, having these meetings at lunchtime with a glass of beer and a sandwich being supplied. And there was absolutely no way, no way they would do that. I went to see, I can't remember who, and said they'd only done this sort of thing once when all others had been turned down, the Faculty of Divinity - if the Faculty Board went on after 5 o'clock in the afternoon, the Faculty Board were allowed to spend one penny per head at these meeting to have a cup of tea. They didn't go in for that sort of thing. And also when we are talking about computers, I mean, that's sort of in everything now but I do remember when I was trying to get money for a computer, when I was Secretary, and we were told that we might spend some relatively small amount of money on a computer and I was talking to Alec Broers⁸² and he did see the problem because he said he had on his desk a computer, which had cost the university to supply him several times more than the amount that we had been allowed for the entire Faculty. And it somehow didn't... funds seemed to come available and I never really understood that, not even when I was Chairman.

172. When were you Chairman, Professor Jolowicz?

'87, no? I can find it out for you, do you need it?

173. Well, not immediately but I would be grateful. Perhaps after the interview, we could...it's not in the present 'Who's Who' so I didn't see it. It's also not in the *Reporter* unfortunately, I've been through the *Reporter* but it doesn't always say of the Faculty who's Chairman, so...The faculty handbooks, alas, have not been...

Well, I think I can do this quite quickly. [*LD: Looking through documents*]. Much the same time as I was Chairman of the... President of the SPTL.

⁸⁰ Deputy Director of the LL.M. Course, Gonville & Caius College.

⁸¹ 1913-2004, Professor Sir Robert Yewdall Jennings. Whewell Professor of International Law, University of Cambridge 1955-81.

⁸² b. 1938, Lord Alec Nigel Broers, FEng, FRS, Vice-Chancellor 1996-2003, Master of Churchill College 1990-96. Australian electrical engineer. Also see Q. 205.



174. It would have been about 1986, when you were President of the SPTL.

Well, it doesn't seem to be here. No, I can't see it here. I suppose your eyes are better than mine...

175. No, it isn't here, but it's information that can be found eventually.

Yes, I'm sure it can, I've probably got it in some other CV tucked away, lost in my computer.

176. Professor Jolowicz, still talking about the evolution of the Faculty, do you have any memories perhaps of how course content or teaching styles have changed or developed over the years? I know, for example, that Professor Hepple⁸³ was rather keen, as was Glanville Williams⁸⁴, on the case method of teaching. It didn't go down at all at Cambridge?

No, it didn't work. I know Glanville used to try that and I never actually approved of it, I... Having experienced it, not as a member of the class, during my time in Chicago when I was first involved in law teaching, I went more or less straightaway to have a job in Chicago shortly because it does mean that you have to leave out great chunks. The only way you could do it, and I saw it being done in Chicago by people who knew how to do it, was that you had to give a little lecturette to get the class from there to there, when you can start looking again more seriously.

I thought it was not very successful because you went into immense detail on some things and then bump, bump, bump... then you go onto the other end of the book. I didn't really like that. I thought the actual methods well operated. The lecture and the student book combined with the supervision is a very extravagant and expensive way of teaching, but it's extremely good and effective. Not many places could afford to do it. I taught in Chicago, '57 and '58 and I had to teach and I found really having the class, quite a large class and no opportunity... except with the whole class, you could say to somebody... you could let someone have a go out of time. But it wasn't the same as doing a lecture, without the backup of the supervision but not many places can afford to do that. If we hadn't been doing it since the Middle Ages, we wouldn't be doing it now.

Everything grew very much, I think, and now the other thing is that the present generation of teachers at the faculty, my impression, is that they have more or less a quiet strike about reading essays. If I may say, you mustn't neglect the college side of the life of the particularly younger law teacher here. Harry Hollond⁸⁵, bless his heart, managed to wangle a slight relaxation for law teachers because if all [LD: *colleges*] made our students write five subjects, that's to say three supervisions one week, two supervisions the next week, in different subjects and you wrote a piece in every essay (or an answer to a problem or something like that) and this then went to the supervisor, who had to read it, annotate it and give it back at the beginning of the supervision. And they've gone against that now; they go on strike against it and don't want to read. I reckon that when I was doing a full stint of supervisions, I would teach from 5 to 8, we'd dine at 8 at Trinity and every teaching day, I would spend the time from going back to my room after lunch, reading these essays, get through them by 5 o'clock, when I started

⁸³ b. 1934. Professor Sir Bob Hepple, Emeritus Professor of Law, Master of Clare College 1993-2003.

⁸⁴ See Q69.

⁸⁵ See Q77.



teaching. And every week, three days a week, I would spend the time from just after lunch to 5 o'clock, reading these essays. It was not perhaps my most favourite pass-time.

177. When you think you had to teach plus your research...

Well, I didn't do much research. Couldn't do research in term-time at all.

But the thing is now they don't want to read the essays. Jack Hamson⁸⁶ read my essays and the annotations were important but... and I think that was all true for part of it. Whilst I was at Oxford teaching, Norman Marsh⁸⁷, I said to him, we talked about it, and I said look '*I hope you wouldn't mind my dealing with this in the Cambridge manner because it's the only thing I know.*' He said, '*What would the Cambridge manner be?*' [LD: *I said*] "whilst working in London, I would ask my students to send me their written essay every week to be in my chambers by first post on Friday. I would then read it and give it back to them, annotated when I came to Oxford with the class". And he said, "Well, there's no Oxford don that would do that". Because at Oxford, you probably know, even today, they make the undergraduates read the essay out loud.

And I'm afraid this reading the essays, I think, is very valuable. It makes you write and give them a commented answer on things - that's gone, I think, very largely gone. They write very few essays.

178. I didn't realise .

Well, as I say, five supervisions in every two weeks, that's five essays every two weeks. Well, the supervisors don't like reading them, it's a chore. I reckon the whole of every afternoon on a teaching day was either preparatory reading, reading essays and doing the supervision.

179. That's very interesting. I must say, when I think back to my law degree, the thing that stands out in my mind is writing essays and the comments I might have had from certain lecturers.

Yes, that's the biggest change, I think. A change for the worse, in my view, but also pressure because 'Publish or be damned.'

180. Do you think it's also perhaps the increased numbers of students, which makes it...?

Well, I don't think I ever had a supervision class of more than three or four people maximum. Really the ideal was three and three classes of three of course produced nine essays to be read.

181. Professor Jolowicz, we come then to your foreign visits. In your 'Who's Who' CV, which you've just been looking at, there were three visiting professorships mentioned, Paris in 1976, Jerusalem 1983 and Mexico in 1985 and I wonder...

They're not quite the same. Paris was as a part-time French civil servant. I was what they called professeur associé, was a member of staff for a short period and paid by the French state, but the Jerusalem one, that was a one-off lecture.

⁸⁶ See Q21.

⁸⁷ See Q53.



It was quite a prestigious one, the lecture. I was invited to go to Jerusalem and give this lecture, which is an annual event, either an academic or a practitioner, or judge.

182. Presumably these lectures are still in existence today?

Oh, yes.

183. What was the topic of your lecture?

It was published in the *Israel Law Review*. But that was just a one-off and produced one of the better anecdotes I would like to... if you could find a space for it. I gave this lecture in Jerusalem and at the end of the lecture, a little man came up to me and spoke to me in totally unaccented English and he asked the unforgivable question, 'Do you remember your old pupil?' Well, I thought he looked older than me anyway, but I said, '*I'm afraid not.*' He said, '*Oh, I was at University College London from 1936 to 1939.*' 'Right, you must have been a pupil of my father.' I think it was a put up job actually and he said, '*Oh well, I came to Jerusalem to see the tree and I found the fruit.*' I just say that perhaps he thought that was his good idea and was a little bit of a stunt. The lecture was called '*Dilemmas of Litigation*' or something like that. It was in the '70s, wasn't it? Mind like a sieve. '*Dilemmas of Civil Litigation*' 1983, 18 *Israel Law Review*.

As I said, the other places were longer periods and just teaching on a course. Paris was a full-time exercise.

184. Did Mrs Jolowicz go with you as well?

Yes, she was running backwards and forwards because of the children and her mother was still alive.

185. So you were based there, you lived there?

Well, we had an apartment there.

186. It must have been lovely.

Well, it was interesting. A lot of the time I was on my own and various people from the family discovered that I had a flat in Paris and they came to stay with me.

It was quite nice - very odd. A totally different atmosphere from anything I had experienced before because they didn't expect me to talk to people. One day we had a party for my students and one of them was married and I said, "*Why, you should have brought your wife along*". He replied "*But I really didn't quite understand what was going on - never been invited to a professor's house*".

187. More formal perhaps?

Much more formal, yes. Part of my work there was a seminar course and I thought it was right to talk to the student who was going to present a paper the next time. I asked him what he was going to... what he had planned to do and on one occasion, after my lecture - I hadn't a meeting after the lecture then and lunch was over and I said, 'Look here, I'm hungry, won't you join me in the café and we'll have lunch.' And he said, 'You know, this is the first time in my life that I have had a cup of coffee with a professor.' I wasn't even a professor because they use



the word quite differently of course. He had no idea. Very much more Germanic than I expected actually. I knew they were like that in Germany.

The classes were vast and this is a thing I always swore when I came back from Paris - I would never, never, never listen to a complaint from a Cambridge undergraduate. Totally different.

Mexico was much worse. The National University of Mexico City⁸⁸ was the national university, it's huge, it has 10,000 students in the Law Faculty.

188. Were they drifting in and out of the courses perhaps?

Well, you pay next to nothing and they all work in the same period. The serious ones worked very hard indeed but there were not all that many serious ones. I had a conversation in the presence of a Mexican friend of mine and another English person, and I said, '*I have 10,000 students in the law faculty*' and the Mexicans have a very nice gesture, if they don't agree with you, they go like that.. No, 10,000 people, very few students.

Lectures start at 7 o'clock in the morning, stop at 10 and then you go into town and try and try an earn a living and then you come back at 5 and have another three hours of lectures.

189. When their qualification is received are there lucrative openings?

Well, there are some lucrative openings, but they're jolly lucky to get them.

190. This brings me to your association with Trinity College, which began in 1948. You became a Fellow in 1952 and you obviously have many memories of Trinity. Has there been much change over the years since you were associated with it?

Well, yes. I always intended to go there and I think I may have mentioned it last time, I am an undergraduate member of the University of Oxford because I went there to the army but when I came out of the army, I came here as I intended to. My father had been here and I don't know why, I don't know quite how it happened but I took it for granted that I was going to come to Trinity because you could walk in, in those days more or less, if you had the right influence.

I've told you that story?

191. Yes.

It's shameful but I don't really mind about it anymore.

192. I'm thinking now of some of the stories that Mr Dias⁸⁹ told me about how during the war, soldiers who were billeted at Trinity Hall... is there anything that stands out in your mind about your College?

Well, I wasn't here during the war, I did the Oxford bit and my College at Oxford was not available, was taken over by the military. I was a member of Brasenose and all the Brasenose people lived in Christchurch.

When I first came up, tremendous age ranges were there and people very often being taught by people younger than themselves, which could happen if somebody went into the army in 1939 and came out in 1945/46 and somebody else had been invalided out for whatever, for

⁸⁸ [Universidad Nacional Autónoma de México, http://www.unam.mx/](http://www.unam.mx/)

⁸⁹ See Q81.



some entirely respectable reason and had graduated before somebody considerably older. That happened a lot. Also, it was a very curious period, we were all much... even relatively young ones, like me, I did four years in the army, were very much concerned with our future. We were a very, on the whole I think, pretty selfish lot. We didn't have social consciences as a lot of the young people do now and we were concerned about our future and how we are going to make a living and what's going to happen to us. And also, we were rather intolerant of some of the idiotic rules, like wearing gowns after dark.

193. The notable personalities that stand out through your association with Trinity?

You mean in my contemporaries? I don't think so. I think I may have mentioned last time, I was fairly restricted in my acquaintance. I think it was a mistake, looking back, that I did three things – law, music and rowing and really all of my friends and so on were either oarsmen or lawyers or musicians.

It was narrow. It was curious because somehow it didn't worry me, but some people felt they were very restricted.

194. College life?

It was restrictive in some ways: the idea of actually being disciplined, like wearing a gown. We were a rather serious lot in many ways and sometimes they didn't really know how to handle us. People like the Vice-Chancellor, Canon Raven⁹⁰. Did I mention this last time? Nearly caused a really serious riot?

195. No.

November, Poppy Day, there were fireworks. The street island, which is still there, outside the Senate House. Was blown out of the ground by high explosives on November 5th or sometime and that really was quite something and the Vice-chancellor, a silly man, made a speech, which said certain things and said... the next morning, it was really rather serious. He said, 'This act had not only put at risk the glass of King's Chapel' and various other things that fortunately weren't done and then he said, 'This was no doubt due to a hooligan element of the British Army of the Rhine' and there was nearly a riot because... I'd served in Egypt, the Middle East, but I was not a British Army of the Rhine man and it didn't worry me, but those who had been were livid with rage. He had to climb down. But it was a very weird set-up, these people had been in the battle of El Alamein and all that. And certain things triggered things like that happening but on the whole, we were basically very serious and very selfish. We didn't have sit-ins or nothing like that. I think '68 was the first time there was anything significant in the way of student protests and...

196. Very interesting because Professor Lipstein recalled the student sit-ins and of course Professor Bowett⁹¹ was the Master of Queen's at that stage. They had quite a time actually. Do you have any recollections of that period of student sit-ins?

⁹⁰ 1885-1964. Charles Earle Raven DD (1947-48). Regius Professor of Divinity, Master of Christ's College, a noted pacifist.

⁹¹ See Q24.



Well, we were fantastically lucky in Trinity. Rab, Rab Butler⁹² was Master then and I believe he's saved an awful lot - we had no serious trouble in Trinity, but it was decided to have two meetings in the hall in which everybody who in any way claimed some connection with the College could come, discussing things that might affect the College, from the lowest bedmaker/cleaner to the Fellows. And in the room, the College hall, the tables were pushed back and Rab sat. I doubt whether you ever saw him, but he was a very big and very ungainly man and he sat at this table with a microphone like a great Buddha. And I thought this was going to be a disaster, so people would get up and make speeches and proposing motions, which the College authorities would then be seen not to implement, which would give trouble. Not a bit.

During one of these meetings, a young man ran up the body of the hall, and grabbed the microphone from the Master's desk - Rab didn't turn a hair. I still don't know how he did it, he said, 'I'm afraid (he had very sort of slurred speech), I'm afraid you can't do that. You see, I'm Chairman of this meeting.' And the young man didn't say a word, he turned tail and walked sedately back to his seat and sat down.

197. What a wonderful story.

Some influence, some power. I sat on the council with him when he was in the Chair, for quite a long time and he had various recipes. He used to have periodically a meeting of the College council with the student affairs committee - they were young men. And he would give us a recipe you know, how to manage this sort of meeting, '*You will let them come to the council at 12 o'clock, not before and at 1 o'clock, you take them away and give them a bloody good lunch. That's the way to keep them happy.*' I don't know how he did it, more or less single-handed; he got us through that period with no problems – remarkable. And he was gauche, he made the most dreadful speeches, terribly bad speaker and he would say the most extraordinary things, like when I would reappear - I was away quite a lot and, he would say, 'Oh yes, you must come and tell me about your trip'. Well, you can imagine me going knocking on the door of the Master's study, 'Master, I've come to tell you about my trip.'

He was a very good Master. And Tony Weir encapsulated him in *The Cambridge Review* when he retired. 'For 13 years...' I think this is the correct quotation, 'For 13 years, we had amongst us a slippered duke and we loved it.'

Nobly supported by a wife who died the other day actually at the age of over 100 and she was right behind him⁹³. She knew people, you know. The last time I saw her was a few months ago and she came to Cambridge for a memorial service. She was 101, but she knew me and when I asked her, when she was at the lodge I was able to talk to her fairly easily. Mollie I said, 'How do you do this?' She said, 'I work at it, Tony, work at it.' She had a photograph of everybody and remembered us.

198. Professor Jolowicz, Trinity seemed to come through this unscathed, but what about the Law Faculty. Were there sit-ins in the Law Faculty? I seem to remember there was some incident connected to the Garden House?

Oh, that was a different occasion, that was to do with the Greeks.

⁹² 1902-82. Richard Austen Butler, Baron Butler of Saffron Walden, Conservative politician.

⁹³ 1907-2009. Mollie Butler neé Montgomerie. Her obituary in *The Times*:

<http://www.timesonline.co.uk/tol/comment/obituaries/article5761510.ece>



199. Yes. Is that something that you have any recollections of?

Well, I knew about it of course. I learnt a police view of sociology from that. It was quite a bad affair, but it was really aimed at the Greek junta. They put on a special Greek evening, I think, there were special Greek dishes for the menu and that provoked a sort of row, and a judge⁹⁴, not a very bright man, did send quite a number of people to prison, but he may not have been very bright, he was extremely courageous in his own right because he was given police protection following his sentencing of some of the people involved in this thing. And he said to some senior policeman, said after a while, 'Don't you think it was unnecessary to keep these chaps just sitting on my tail?' 'Oh no, sir, only last week one of the people whom you sentenced to a period of imprisonment was visited by a sociologist.' The police view of sociology! The impact of that was brief really. As I say, that was nothing to do with what was going on in this country, I think. A dislike of the Greek military take over.

200. Right, just in protest?

Yes.

201. At some point, as I understand during the student sit-ins in the Law Faculty, lectures were given at St Mary's Church. Is that something you remember?

I don't remember that. In '68?

202. I'm not entirely sure. It was just during the student sit-ins.

I don't remember anything about that.

203. Professor Jolowicz, apropos the new library, were you involved at all in the planning stages for the new facility?

Well, indirectly, yes. I was not on any of the relevant committees but I was one of those who really wanted it to stay in the Old Schools. I think it is a pity.

204. Are you impressed with the new accommodation?

Depressed. So many things went wrong. It's almost a joke. I mean, there are a number of things....stories are gradually disappearing.

205. The screen?

Oh, well that was a disgrace. And that was never brought out because Alec Broers⁹⁵, the Vice-Chancellor, came essentially to the rescue of the Faculty over that, because we were in the depths of a very bad show by the university. My understanding, and it may be wrong, but I think that Fosters⁹⁶ were not willing to recognise their mistake and not to pay, but were not prepared to put this right without charging the university. Now, Alec took the view that we really had to do this because life was impossible and agreed that the university would pay for that glass screen.

⁹⁴ 1902- 1987, Justice Sir Aubrey Melford Steed Stephenson.

⁹⁵ See Q171.

⁹⁶ Sir Norman Foster's firm who designed the building. See:

http://www.fosterandpartners.com/Practice/1/Architecture_and_Planning.aspx



206. I wondered who'd paid. It was never quite clear whether the university had borne the expenses.

The thing was, the Estate Management Department should have been shot because there was a committee, which I was not a member, led by John Baker⁹⁷, who had seen the plan and had taken up this point as going to lead to the impossible situation of noise in the library. And they turned down that plan of Fosters but they were over-ruled because the Estate Management liked the Foster plan because Fosters were supposed to be people who stuck to their budget and delivered on time, which didn't come to pass at all in this case. But the university... the Estate Management had been alerted, I think largely, I'm not sure whether John was the Chairman at the point, I don't know, but it was largely thanks to John Baker, that attention had been drawn to this blunder and the university alerted. Well, Fosters' case was that '*You accepted these plans*' because the Estate Management paid no attention to our own internal committee.

207. I suppose matters weren't helped by the fact that there wasn't a librarian in place at that time because the previous incumbent had more or less left, Keith McVeigh⁹⁸.

He wasn't a great success.

208. So there wasn't anybody even looking out from the library side?

I don't know what Willi Steiner's part was in all that, not much, I don't think. He was such a retiring...

209. I do remember speaking to him at some point and he was very critical of the whole affair. Just little, ordinary sort of basic things which hadn't been provided. For example, there's no facility for library staff to sit and have a cup of tea - they'll have to sit at their...

Of course I'm not sure I entirely approve their use of the accommodation. One could compile a book of all those hilarious stories. There was to be a party to say *au revoir* to somebody, in the evening and Poppy and I were going and we found everybody moving across from the Law building into the History building, and wondered what was going on. Well, the story was that the mains power failed, no electricity. And this place is so dependent on electricity there is or was, a generator, emergency generator, which started up for the first time in the history of the... and it was then found that the exhaust from this generator pumped through all the air conditioning systems. So the whole building was filled with poisonous vapour and had to be evacuated.

And I remember... everybody has stories like this, but I think in a way the best one, if you'll forgive me, was when the building was officially opened by the Queen and Prince Philip. We were all paraded long before anybody arrived of course and I needed to go and spend a penny. Well, I went off and then when I went like that [LD: *flushed*], nothing happened, no, nothing, nothing. So I thought I had better report this to one of the supervisors and he said, 'Yes, I know that, we've had an awful lot of trouble with the plumbing and we don't want any floods

⁹⁷ b. 1944. Professor Sir John Hamilton Baker. Professor of English Legal History University of Cambridge 1988-98, Downing Professor of the Laws of England 1998-

⁹⁸ b. 1948. Librarian, Squire Law Library 1983-1996. Fellow of Hughes Hall.



when the Queen is here, so we've turned the water off at the mains.' If anything had ever overcome Her Majesty, she would have to have go next door.

And it was full of these mistakes because Foster didn't obviously undertake essential supervision. In the early days, I went to work in the library and it had gone dark and all the lights came on somewhere else and there was a table lamp very near to where I was, I couldn't... the lights didn't work on my table so I spoke to Peter Zawada⁹⁹ and he said, '*Well, no, I'm afraid we can't do anything about that. If we put anymore of these lights on, the whole place will blackout.*' The electricity suppliers, left to their own devices, I suppose, had not provided a sufficient amount of power to put all the lights on. So I had to move, marvellous.

210. When you think of the cost. I believe the reference desk alone, and this was almost 20 years ago now, was £150,000.

The wives, I think, were approached as to whether there was something, Faculty member's wives, whether there was something they would like to donate to the library and I think they thought that they might donate one little library table. And those...I think it came out at over about £80,000. Fosters' idea was £80 for the wastepaper baskets, they were £80 each, I think.

211. The students complain about the chairs. The wooden chairs are apparently uncomfortable.

Yes, I don't find them necessarily bad but...

212. Professor Jolowicz, apropos your extramural offices that you held. You were the editor of the *Journal of the Society of Public Teachers of Law* '62 to '80, any points that you could make about that time and experience?

It was almost like a family business because my father was editor for donkey's years and then he died and Harry Lawson¹⁰⁰ did it for a bit and then I came in and I did it for a matter of eight years or something like that.

213. You were also President of the Society of Public Teachers? Any other extramural offices that you recall?

I did an awful lot of being a reporter at conferences and so on. Most of those led to publications, which are in the bibliography.

214. Then finally, you were the first of the eminent scholars to receive the French Legion of Honour in 2002 and...

No, I wasn't the first because Jack Hamson had it.

215. But he's not one of our eminent scholars for this project. Can you tell me something about that?

No. Really it was a surprise - out of the blue. Somebody in the French Embassy wrote to me saying this had happened and then it was taken a little higher, they didn't stop it. It went

⁹⁹ Assistant Librarian, Squire Law Library.

¹⁰⁰ 1897-1983. Professor F. H. Lawson, Professor of Comparative Law Oxford, Brasenose College.



ahead a bit later. The only thing I can think of is that I have written quite a lot in English about French law and in French about English law one way and another, and I had this period in Paris.

216. I was just wondering if there was a link to that?

Well, I'd been there a long time before. I got this Légion d'honneur in 2002. It actually started in 2000, about a year earlier, but I couldn't then go to the ceremony, so they postponed the whole thing. Well, I did it in the magnificent house of the French Ambassador, in London.

217. Lovely, and the last recipient at Cambridge was Professor Hamson?

It's an enormous organisation, the Légion d'honneur and the *Chevalier* is the sort of bottom level, and the President of the Republic is also [LD: *involved*].... I think. I don't know how it happened. Someone must have picked me up, a correspondent. I had been for quite a long time regarded as rather odd, I suppose, and I learnt quite a lot about French procedure. And the French, particularly the French academics and practitioners thought, 'Who is this, who's is this chap that knows about that?'

I served on the Storme Commission¹⁰¹. I was the UK representative for a period on that. It didn't really get very far... it produced a number of proposals - the whole thing never got anywhere really.

Professor Jolowicz, all that remains now is for me to thank you very much again, for an absolutely fascinating interview and I hope that next time we can look at your scholarly works.

¹⁰¹ See: Marcel Storme: The consequences of European unification for legal education in the member states. *European Review* (2001), 9:2:135-145 Cambridge University Press.

