

Conversations with Emeritus Professor Leonard Sedgwick Sealy

by
Lesley Dingle¹ and Daniel Bates²

First Interview: Early Years and the Faculty

Date: 15th February 2013

In February-April 2013, Professor Sealy was interviewed twice at the Squire Law Library to record his reminiscences of nearly sixty years research and teaching in the Faculty of Law and Gonville & Caius College.

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 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 Sealy's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

1. Professor Sealy, as you know, we've previously interviewed several Eminent Scholars whose connections with the faculty date from the early and the mid-50s and these have been a valuable source of information as the Faculty evolved from the deprivations and great changes that took place after the Second World War. You've been associated with the faculty for 57 years and I hope you will be able to provide some further reminiscences as it developed over the second half of the 20th century. Also, as we talk about your own career, I'm sure you will give us insight into changes in the teaching and the administration. Finally, in the next interview, I hope that we can revisit some of your own research topics in commercial and company law.

So, could we start by talking about your early years? You were born in 1930 in New Zealand. Whereabouts exactly?

The town is called Putaruru. It's a Māori name. It's in the middle of the North Island, fairly high up. In fact, when I was born it was snowing; a rare event anywhere in the North Island, New Zealand, but it's recorded in the family archives.

2. Can you say something about your parents and the influences on your life in rural North Island?

Yes. My father was a primary school headmaster and my mother came from a farming family. I was the third. I had two much older sisters and a younger brother, the third of a family of four. My dad moved about from job to job, so I didn't go to any one primary school for any great length of time.

3. You went to Stratford³ High School from 1941 to perhaps '48 where you did maths and Latin, amongst other subjects. Did this stand you in good stead?

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

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

³ About 150km SW of Putaruru



Oh, entirely, but for that I wouldn't have got near a university because it depended on my getting a scholarship, which I did and the maths and Latin were very much to the fore in the subjects that I had been taught. But you could say that science was not at all well covered during my schooling because the men teachers who would have taught it were away at the war and that did restrict the choice of careers quite considerably. Teaching and law and the Church were about the only ones on offer.

4. And you were nine when the war broke out.

Yes.

5. Do you have any memories of that time?

Towards the latter parts of it, certainly. We were a long way from Europe, but after Pearl Harbour, of course, the Japanese were not that far away. They bombed bits of Australia and sent submarines down to all our ports, so we were quite geared up to the possibility of an invasion by the Japanese, but mostly it was friends, relations, neighbours serving in the war, serving in the desert and in Europe, only latterly in the Pacific.

6. Do you recall the celebrations in 1945 at all?

Yes, but rather muted. I think it was seen as a little bit of an anti-climax in May when the news came from Europe that it was over because of course we were still fighting in the Pacific and that was very much our war then. So it was only really when the bombs fell on Japan and the war was over. I don't know there was quite so much celebration then because it was a pretty sad occasion.

7. Yes. Now, by the time you were ready to go to university the war was over and I wondered what influenced you to choose Auckland in 1948.

This was really, I think, because my family had always had associations with the northern quarter of New Zealand and I had an auntie living in Auckland who offered to put me up for the first year, so that was really, I think, the only one we would have chosen.

8. And you started off by doing a BA/LLB.

It was a recognised combined course and you were allowed to credit Jurisprudence as one of the subjects towards your Arts degree so that you could do the two comfortably in the same five years that it would have taken to do the LLB on its own.

9. You then did an MA in classics, which I thought was very interesting.

Yes. I'm afraid I've forgotten all the Latin and Greek I ever knew, or virtually forgotten them, but I did come under the spell of a rather attractive, mesmeric Professor of Classics. He was quite a figure on the Auckland cultural scene; used to preach in the Baptist Chapel on Sunday, wrote leaders for the newspaper on a Saturday. I think he also did commentary on the tennis on the radio. But I thought it was an opportunity to take the studies further, mostly in Latin and a little bit of Greek to back it up.

10. Very interesting. And then you did an LLM.

Yes, well that was my original plan, but I took a year off to do the Arts degree. I think I mentioned that this didn't go down too well with the senior people in my legal firm because all this time I was studying I was also working in the law office as a trainee.

11. You were simultaneously doing your bar exams and doing your legal practice



course, and you were admitted to the bar during that period?

Yes, we have a fused or combined profession in New Zealand and it was normal for most of us to qualify as both barrister and solicitor. The final exams were slightly different, but we took them both in our stride.

12. So that you were well placed by the time that you actually acquired a scholarship, to come to England? That was 1955.

I applied for a postgraduate scholarship on the strength of my Arts degree and I was turned down because I'd put on the form that I wanted to study law. My professor was very upset about this, Professor Geoffrey Davis⁴, and he took it up with the awarders and they agreed that they had no right to deny me this scholarship, so they decided to give me one, but only in the following year. So that had left me free to go on and do my LLM, knowing that I could go on to study overseas when I'd done that as well.

13. What made you decide on Gonville and Caius?

My professor, who was a Welsh man, had very close connections with Dr Ellis Lewis⁵ here in the Faculty, who was also Welsh and he suggested that I should go to Caius because Professor Emlyn Wade⁶ was the professor of constitutional law and would have been my supervisor. As it turned out, the Administrative Law subject that I wanted to work on was one that he didn't altogether approve of because he said the subject had been exhausted by Robin Cooke⁷, who had just left Caius and who went back to New Zealand to practise. So I then switched to my second interest, which was Company Law, which was then a subject only just getting off the ground as an academic subject, thanks largely to the publication by Professor Gower⁸ of London of the first edition of his book 'Modern Company Law', which set the standard for the subject for, well, right through his lifetime and it's still going as a leading text book⁹.

14. When you arrived here, the climate, it was a bit drab, there was still perhaps a little bit of rationing; a very different scenario to the life that you'd led in New Zealand. Did you find it quite easy to settle in? What were your first impressions?

I was excited about the whole thing, so I didn't find anything was difficult in that sense. Rationing was over, just finished, I think, and the climate was exciting. When the snow came, that was something I hadn't experienced in Auckland and so I went out with my camera and took pictures, so I think generally speaking everything was pretty easy for me and there was a good bunch of other postgraduate students in the college from all over the world, but particularly some from the Commonwealth. I got on very well with them.

15. Life in the college was very pleasant and you had very amenable friends. Do you recall any people from those days?

⁴ Professor Arthur Geoffrey Davis, (1899-1966), Dean of Auckland Law School. The Davis Law Library at Auckland is named after him.

⁵ T. Ellis Lewis (1900-1978), Librarian, Squire Law Library 1931-1968.

⁶ Professor Emlyn Capel Stewart Wade (1895-1978), Downing Professor of the Laws of England 1945-62.

⁷ Sir Robin Brunskill Cooke (1926-2006), Baron Cooke of Thorndon P.C., Judge of the Court of Appeal, New Zealand (1976-96).

⁸ Laurence Cecil Bartlett Gower, (1913-1997) MBE, Cassel Professor of Commercial Law, LSE

⁹ *Gower & Davis: Principles of Modern Company Law*, Davies & Worthington, Sweet & Maxwell, 2012, 9th Ed. 1180pp.

1st Ed 1954, L. C. B. Gower, *The Principles of Modern Company Law*, Stevens & Son, London 599pp.



Yes. That was the highest part. The Law Faculty had very few postgraduate students. I think there were only three of us working on law subjects, so there weren't the same opportunities to make extensive numbers of friends, but most of the research students in Caius – I think there were about 50 of us altogether – were scientists and they were very freely swapping ideas and it was great to be sitting in on some of the conversations.

16. Did you ever rub shoulders with Francis Crick?

Later, when I was a fellow, he used to come in to dinner very often. We made him Honorary Fellow, of course. He had been a research student at Caius and he was a great after-dinner raconteur.

17. Larger than life, perhaps?

Yes. I think of the two, Crick and Watson, Watson was the steady influence and Crick was the one who came up with the bright and sometimes impossible ideas and that combination turned out to work very well.

18 You left Cambridge in 1958 when you'd received your PhD¹⁰ and you spent a year practising law in New Zealand. I wondered what made you decide to go back to New Zealand?

Well, I'd had no other plan ever. It was simply a lovely interlude in what was going to be a career at the bar or behind a desk in law in New Zealand and that's what I went back to.

19. And that was to Hamilton?

Yes. My parents were living in Hamilton then and hadn't seen me for three years, so it was nice to go back home and live with them again.

20. And what sort of law did you practise?

I was doing advocacy work all the time.

21. Company law at all?

No. I had done quite a lot of company law in Auckland before I came to England, but now I was appearing before judges and magistrates with everything from traffic offences to, well, quite serious civil cases, but I didn't have much opportunity to get a law report out. It was very much a matter of dealing with witnesses and arguing with judges without too much legal content in most of the cases. But, particularly, we did a lot of accident work. We seemed to have all the plaintiffs in every factory accident and motor accident in the county and the rest of the firms shared the defendants.

Most of the accident cases were before juries in those days, so, again, it was a long way removed from what was in the law reports.

22. Must have stood you in extremely good stead for your later academic career.

Well, particularly supervisions, I think. You gain a little bit of street cred with students when you've done it, yes.

23. You were lured back to Cambridge in 1959 by the award of the Yorke Prize and you obtained a Fellowship at Gonville and Caius. What was your prize essay entitled?

¹⁰ 1958 *Fiduciary Obligations in the Management and Promotion of Companies*, 374pp.



My prize essay was called “Fiduciary Relationships in the Management and Promotion of Companies”. That’s right.

The notion of fiduciary relationships was very much a novelty. Almost nothing had been written on the subject apart from one very bad book, which I didn’t find any great source of information. The topic grew out of law of trusts and unlike a person who’s been formally appointed a trustee, the director of a company, a person who’s acting as an agent to some extent – a parent or a guardian and so on – is placed under trust-like obligations because of the confidential relationship which exists between them. I discovered that this subject was developed very largely in the 19th and even partly in the 18th century by the Chancery judges who’d grown up dealing with trust cases and they met cases of sharp practice and so on in the evolution of the early company, which they applied the trust principles to. Since then, the topic has received a lot more academic attention, particularly by Paul Finn¹¹, who was here not so long ago as a Goodhart Professor. He wrote the leading text book¹² and I think the subject was taken up quite enthusiastically by Australian judges on the strength of that book and it’s gradually spread throughout the Commonwealth and many more PhDs have been written since my time.

24. So at this point, did you feel yourself strongly drawn to an academic career, or were you quite torn about going back and practising in New Zealand?

Yes, I had not made up my mind, to be quite honest and it was during the year or so after I got back to Cambridge that my relationship with my wife developed and we got married the following July. So even then the choice of a future career was not settled, but by the time we had a young family, Cambridge seemed to have the strongest pull, so I settled for academia and here I still am.

25. Because at that stage, you became an assistant lecturer.

Yes.

26. I wondered what that entailed.

I think all appointments, to the Law Faculty anyway at that stage, were made at the level assistant lecturer, at least when there was a new vacancy. I can’t remember anyone coming into a full lectureship until Glanville Williams¹³ came back from London where he’d been a professor and he came back from being a professor there to being a lecturer here. So, assistant lecturer was the probationary appointment. Technically, it was for a maximum of five years, but in fact, in practice, everyone got a lectureship before that period was out and I think I did after one and a half or two years. Then, having got a lectureship, many, many of my contemporaries at that stage regarded it as the career appointment, little expectation of moving on to a readership or a chair, there were very few chairs and mostly in special topics like Roman Law and International Law and so on. So, like Michael Prichard¹⁴ and John Thornley¹⁵ and Mickey Dias¹⁶ and all my contemporaries then, one thought we’d arrived.

¹¹ Professor Justice Paul Finn (b. 1946), Judge of the Federal Court of Australia, 1995- present, Goodhart Professor 2010-11, Professor & Head, Department of Law, Australian National University 1988-1995.

http://www.squire.law.cam.ac.uk/eminent_scholars/professor_justice_paul_finn.php

¹² *Fiduciary Obligations*, Law Book Co, 1978.

¹³ Glanville Llewelyn Williams, (1911- 1997), Rouse Ball Professor of English Law, Cambridge 1968 - 78, Quain Professor of Jurisprudence University College London, 1945 - 55.

¹⁴ Michael Prichard (1927 -), Lecturer in Law 1953-1995.

http://www.squire.law.cam.ac.uk/eminent_scholars/mj_prichard.php

¹⁵ J. W. Thornley, 2000



We settled down lecturing and teaching, rather more teaching, I think, than the amount that is put into writing by academics these days because, of course, the demands of assessment and the promotion opportunities are much more extensive and so research is very much more emphasised than it would have been 40 years ago.

27. Nevertheless, previous scholars have said that the teaching schedule was fairly arduous in the 50s.

In terms of hours, yes.

28. Did you find that so, Professor Sealy?

Yes, it was really. And also the hours were very strange because lectures were in the mornings. The whole of the afternoon had to be left free so they could play sport and then between 5 and 8 o'clock most of the supervisions were given, topped up by a lot of supervisions on a Friday night and Saturday mornings by young barristers, fledgling barristers, coming out to top up their earnings.

29. I was going to ask you about the weekenders, as actually it's a very interesting topic.

Yes.

30. In 1961 you were promoted to a lecturer in law. I wondered what the circumstances were of this promotion?

To be honest, I can't remember. It was something that one expects would normally happen automatically. A vacancy must have come up and I was next in line to take it.

31. And you were also, from '61 to '70, a Tutor at Gonville and Caius. Can you tell us a little bit about what that entailed?

I think it was the same in all colleges. The students had a Director of Studies who was their mentor insofar as the study for a degree and exams went, but there was a second don [*LMD: i.e. Tutor*]; most colleges made a don in a different subject who was there to look after the general welfare of the student and do any of the paperwork, writing references and so on or sorting out problems over grants. If the student was ill, you saw that he was looked after by a doctor or hospital, whatever it was. If he ran into trouble with the law, you would have to arrange for him to be represented in the court case or whatever it was. It was also almost a parental relationship because we would go to their parties and they would come to our parties. We, as matter of course, had them home to lunch or dinner with the family and the links that were established by that relationship in many cases persisted right until today and students come back and don't seem to forget the relationship that they had with the tutor and the college years and years after.

32. In 1970 you became Senior Tutor and the Admissions Tutor and this position you held until 1975. Were there additional duties?

Well, yes, the Senior Tutor organised the whole of the academic side of college affairs, so it was his job to see that there were supervisors, they were to cope with all the subjects, recruiting someone from outside, if necessary and following up on exam results, which students should be elected to scholarships and so on, all that side of things were the

¹⁶ Reginald Walter Michael (Mickey) Dias (1921-2009), Lecturer in Law (Jurisprudence & Tort) 1951-1986. http://www.squire.law.cam.ac.uk/eminant_scholars/rwm_dias.php



Senior Tutor's job. On top of that, he was responsible for discipline, so that if students were in trouble or in breach of college rules or something, it was the Tutor and the Senior Tutor's job between them to see that it was sorted out.

Admissions Tutor, in those days, was much less onerous than it is now because we had an entrance examination on which we awarded scholarships and most of the places were awarded on the strength of the performance in that exam. Then there would be a number of borderline candidates where you had a little more discretion and could look for, for instance, people likely to make a contribution to other aspects of college life apart from passing exams. So people with musical talents or sporting talents or potential political careers or something. People with special interests could sometimes get in on the strength of interviews, having performed just adequately - but not spectacularly - in the entrance exam. Also, we were recruiting from a much smaller number of schools. The net hadn't been spread anything like as wide as it is now, so a lot of the job of the Admission Tutor was to maintain liaison with schools so he could have a good link. Now, the Admissions Tutor has to go out to the highways and byways looking for other schools to persuade them to start thinking of sending students to Cambridge and that takes a lot of time.

33. As a lawyer, you were not assigned law students?

No. Sometimes you had one by accident. For instance, you'd have a student who was reading modern languages. In his second year, he'd change to law and you just kept him on your panel, didn't send him off to someone else, but the whole idea was that a student would have at least two shoulders to cry on, as well as the Chaplain or the Dean, somebody as well if he needed to make a complaint or a protest or found himself in trouble. "Himself"; there were no girls in those days!

34. It sounds an enormous amount of work on top of your academic load as well. It seems incredible to think that you—

Yes, I cut my supervisions down to six hours a week. I remember doing that. But, of course, it's important to maintain connection with the students in your own subjects. They're expecting you to do the supervisions and so on.

Today, many colleges have full time Senior Tutors and full time Admissions Tutors because the bureaucratic side has built up, the paperwork is much more extensive.

35. And in 1991, you became professor. You were appointed as the S. J. Berwin Professor of Corporate Law and I wondered what the circumstances were of this?

Stanley Berwin¹⁷ was a very successful London solicitor who first founded the firm of, well, it's now called Berwin Leighton¹⁸, being the senior partner and founder of that firm. After some years heading that firm, he went off to work in the City and then gave that up and went back to the law and he founded a second legal firm, S J Berwin and Co¹⁹ and they're both among the top legal firms in London to this day. He was a workaholic and reputedly lived on black coffee and was a chain smoker and died in his 60s. The clients, mainly, I think, of his second firm, raised money to have an academic post established in his memory. I believe they raised enough money for two chairs and chose Cambridge to be the place where these chairs were. One of them has his name, SJ Berwin and the other is an innominate chair. The Berwin chair is in Corporate Law; the other one has a full range of

¹⁷ Stanley Berwin (1926 -1988)

¹⁸ <http://www.blplaw.com/>

¹⁹ <http://www.sjberwin.com/aboutus.aspx?mid=10&rid=10>



subjects and I don't even know whether his name is associated with the second one at all these days; it just went into the general funds. But that's in what high esteem he was held.

I had a rather daunting inaugural lecture to deliver because as well as the members of the Faculty - and a good representation in my college - the lawyers from Berwins came up, Mr Berwin's widow and son and daughter in law came and his brother and my own kids and their girlfriends came, so I had to pitch this lecture at a level which everyone would make sense of - whether I did or not, I don't know. But by curious coincidence, I discovered that one of my suits had the label Berwin on the inside of it, so I challenged the partners of Berwins in London about this and they said, "Oh, yes, it was a well-established clothing firm based in Leeds²⁰ and is still going strong under the directorship of Stanley's brother." Well, I put this suit on, had it specially dry-cleaned for the inaugural lecture and when I was introduced to the brother, he took the coat by the lapels and said something like "1948, I think". No, '58, probably and he was chuffed to realise that I'd got the suit out. He said no more, but a week later a suit arrived in the post which fitted me exactly.

36. What a delightful story.

It was a lovely story, wasn't it? And I understand that the firm is a very enthusiastic supporter of the Leeds Rugby League Club, so I can follow it indirectly with a certain interest.

37. Yes. Gosh. Well, that brings us to some of the personalities you would have met over the years, starting with those who crossed your path when you first came to Gonville and Caius to do your PhD in 1955. And here, the first name is Professor Emlyn Wade.

Yes. Emlyn Wade²¹ had written a book, *Wade and Phillips On Constitutional Law*²², which was the standard text book. He was a magistrate and aspects of his military background, I think, still showed through in his bearing and other things. And the book was very conservative and it was just about the time I arrived that the iconoclasts got to work and started to write more challenging books about what was happening. There was a book called *The Law and the Constitution*²³ by Sir Ivor Jennings²⁴, which challenged accepted views like "the police can do no wrong" and discovering there was a lot more discretion in the administration of the law than had been laid down formally by the statutes and the cases and so on, so new books started to appear which attacked the old orthodoxies. Also, there was developing a new subject, Administrative Law, which I thought I would do my research in, that curiously Emlyn Wade didn't think had a great future. He was quite wrong, of course. It has been a growth subject ever since. Robin Cooke, who had been a research fellow at Caius - just before I arrived, he left, with his PhD and Yorke Prize. He'd written on administrative law and Professor Wade thought he'd sucked the subject dry, so I was discouraged to take the subject much further and I switched to Company Law, which was another growth subject just getting underway and I've never regretted that. That's Emlyn Wade.

In the years since, we've had another Professor Wade, who is actually a graduate from my own college and came back from Oxford to be Master of my college. That's Bill Wade,

²⁰ <http://www.berwinberwin.co.uk/>

²¹ See Q13 fn4.

²² Longmans, 1946

²³ University of London Press, 1963

²⁴ Sir William Ivor Jennings (1903-1965), Master of Trinity Hall, Vice-Chancellor of University of Cambridge.



H.W.R. Wade²⁵, whose subject also included Constitutional Law, but he was, at that time, only a lecturer based in Trinity and so he'd broken his links with Caius. When he came back as Master, we were glad to have him back.

The other name I mentioned was Ellis Lewis²⁶.

38. Yes.

Everybody called him Tell and he was the academic librarian for the Squire. We had, I think two full time people, one put the books away and the other did the admin work. The post of the overall oversight of the library was in the hands of Ellis Lewis. He was a fellow of Trinity Hall and had a lectureship and I think was almost the only other member of the faculty to have a PhD. It was quite unusual for anyone to have a doctorate at the start of an academic career in law at that time. Ellis Lewis was a really lovely man. We didn't discover the full story until he retired. He'd been a miner and been injured in a mining accident and lost most of the fingers of one hand.

39. Good heavens.

And I think, on the strength of that, he decided to give up mining and to get a new career in law. He studied at Aberystwyth, I think and made a very good colleague here in the Faculty. We didn't discover until very late in his life that he was putting half his earnings away to support another brother who'd been much more seriously injured in a mining accident in Wales.

40. That's very touching.

He kept all that very quiet. Everybody liked him. Now, who else was there about? They were...

41. I think perhaps you mentioned Lord McNair²⁷.

Now, Lord McNair had been a professor both in Cambridge and at Liverpool and then became Judge of the International Court and in his retirement he came back to Caius and he was a marvellous personality, very progressive in his outlook and he lived... I remember going to his 80th birthday party, it was a great dinner where he drank brandy and made a splendid speech and ten years later we had a second one where he turned 90 and he was still going strong then. We were debating whether we should admit women to Caius. He was a strong advocate of that in contrast with the Wades, who both were rather reactionary in this kind of way.

42. Interesting.

I remember when I came back as a fellow, Professor Wade said, "Please stop calling me Professor". And he expected me to start calling him Wade. Which didn't come easily to a colonial, but Lord McNair took me aside and said, "Do call me Arnold" and that's the difference between the two. In a rather nice way.

Lord McNair had been succeeded as professor by Lauterpacht²⁸, Eli Lauterpacht's²⁹

²⁵ Professor Sir Henry William Rawson Wade (1918-2004), Professor of English Law, University of Oxford 1961-1976, Rouse Ball Professor of English Law, University of Cambridge 1978-1982.

²⁶ See fn 3

²⁷ Lord, Professor Sir Arnold Duncan McNair (1885-1976), Whewell Professor of International Law 1935-37, Professor of Comparative Law 1945-46, President of International Court of Justice, 1952-55. President of the European Court of Human Rights, 1959-65.



father and he was another very genial, very approachable, very lovely person, who almost went out of his way to build bridges between a top scholar and a young colonial PhD student just arriving in the college. Who else was there?

43. Glanville Williams, perhaps?

Glanville Williams³⁰ was here as a lecturer when I arrived. He then went to London to a chair and he came back to Cambridge. I can't remember whether he came back to a chair or he came back and got a chair shortly afterwards. Glanville was quite the brightest intellect the Law Faculty had for years and years, perhaps since Maitland³¹, I can't think of another name that will stand out in the records. Perhaps some of the international lawyers might qualify as going into the same bracket. He didn't get on all that well with more senior people who were probably less well qualified than he was, or less able, anyway, than he was. I remember him stopping me in the library once to ask me a question on Company Law and when I gave him the answer I noted he wrote it down in shorthand and I discovered that he was actually an expert on Pitman Shorthand and wrote leading text books on it.

44. Goodness.

And he was very keen that everyone trying to make an academic career should learn shorthand and typing. I never succeeded with either, but Tony Smith³² who actually did a PhD under Glanville's supervision took him up and certainly became a very able typist. He had largely established his early career in law of Tort and Jurisprudence, but he then got a developing interest in Criminal Law which is where he made his major mark in later years.

45. Perhaps Arthur Armitage³³, Trevor Thomas³⁴?

Ah, yes. There were two very good administrators, good leaders, good chairmen of committees and so on. Both were part time Justices of the Peace and did work as magistrates. Very good all-round people, who each of them went off to become vice-chancellors; one to Liverpool and one to Manchester. I can remember college meetings lasting all afternoon and meetings of the faculty lasting 25 minutes if either of them was the chair. They were very efficient, both very likeable people, very larger than life characters. Arthur Armitage came back to be President of Queens'. I don't think Trevor Thomas ever did come back.

46. John Thornley?

John Thornley³⁵, I bracket him with Michael Prichard³⁶ as the last examples in the law of the true college man, the legendary college man, who one office after another fell to him to run in the college, whether it was Registrar or Senior Tutor, or stand in for the Bursar when he was on leave. They carried the conscience of the college remembering about ancient

²⁸ Professor Sir Hersch Lauterpacht (1897-1960), Whewell Professor of International Law 1938-55, Judge at International Court of Justice 1954-60.

²⁹ Sir Elihu Lauterpacht (1928-), Professor of International Law 1994- .

³⁰ Professor Glanville Llewelyn Williams (1911-1997), Rouse Ball Professor of English Law 1968-78.

³¹ Professor Frederic William Maitland (1850-1906), Downing Professor of English Law 1888-1906.

³² Professor Anthony Terry Hanmer Smith (1947 -). Pro Vice-Chancellor, School of Government, and Dean, Faculty of Law, Victoria University of Wellington, since 2007;

³³ Sir Arthur Llywellyn Armitage (1916-1984), Professor of Common Law Victoria University of Manchester, President of Queens' College (1958-1970),

³⁴ **Error! Main Document Only.** Professor Trevor Cawdor Thomas (1914-1985), Vice Chancellor University of Liverpool (1970-76).

³⁵ Fn 12

³⁶ Fn 11



statutes or almshouses which had the living of this church or that. They seemed to embody the whole spirit and tradition of hundreds of years of college life and, in contrast, the academic side of their work, in the sense of research and publishing, never took off in the way that it potentially could have, particularly Michael Prichard who, of course, has been my senior in Caius all the time I'd been there; a great scholar who gave away most of his bright ideas for other people to write books on all the way through his life.

Michael came up with clever ideas, which he freely allowed other people to develop and what might have happened had he become a publisher of serious books year after year, we'll never know, but he could have.

47. Very interesting.

John Thornley had a serious operation on his head and I think that perhaps inhibited the energies he might have put into other things, but both really warm, affectionate people who I treasure memories of very much.

48. Other colleagues who you may recall include perhaps Professor Hamson³⁷?

Yes. He, I remember largely, I think, because he had been editor of the Cambridge Law Journal for years and years. He had great links with outsiders. I remember he was a close friend of Lord Denning's³⁸. He brought Lord Denning back every summer to give a talk to the foreign law students who came on the Cambridge summer course. I think he was the Bencher of his Inn and had a lot to do with it. He never published any work of great standing, but he did, I think, establish Comparative Law in Cambridge, which was then taken up by Tony Jolowicz³⁹ and various others as a leading subject and I think that Comparative Law came from the fact that he had fluent French and good friends in French universities. It was a subject getting off the ground then, I think.

49. I know that he advised Tony Jolowicz not to do a PhD. He said it's only for scientists and no self-respecting lawyer would do a PhD.

I think that was a wide-held belief and I think for this reason, Glanville Williams was then just looked at somewhat askance because he'd done a PhD and this was something that in those days was rather an unusual thing to do and, as I said, there were only three of us doing PhDs in law in the Squire at the time I did mine and two others from the Commonwealth. Trinity, in particular, had a prize Fellowship and it was widely thought that if one had a prize Fellowship at Trinity at the age of 28 or 30, it was all you needed to have for the rest of your life and it would be quite lowering your dignity to try and top it up as a PhD.

50. Perhaps Mr Henry Barnes⁴⁰, he's somebody who...?

Well, he was quite a figure in the faculty, but he didn't have a lectureship. No, I think he had a lectureship, but wasn't a fellow of any college. He used to hire a room above the Dorothy Tea Rooms, I think, to give his supervisions. That's right. And I can't even remember what he lectured on.

51. Criminal Law?

³⁷ Charles John Hamson (1905-1987), Professor of Comparative Law 1953-73.

³⁸ Alfred Thompson Denning, Baron of Whitchurch (1899-1999), Master of the Rolls, 1962-1982.

³⁹ J. Anthony Jolowicz (1926- 2011), Professor of Comparative Law 1976-93.

⁴⁰ Henry Barnes, Fellow of Jesus College until 1939, Lecturer in Law 1932-1959.



Criminal Law, possibly. We didn't cross paths very much, but I do remember when he retired he gave me his gown. Yes. I think because of the position he had, he supervised any number of students which I think he may... Oh yes, he used to distribute hand-outs and for that reason his supervisions were very much sought after and I think he charged the students for these hand-outs. But it was generally believed that if you couldn't get on with your college supervisor, the thing to do was to ask to be sent to Henry Barnes and he taught you how to pass exams anyway, even if he didn't teach you to have a fond memory of the subject. Perhaps I'm doing him down, but that's the picture I have of him.

52. It's very interesting. Clive Parry⁴¹?

Clive, like Glanville Williams, was very talented, very imaginative. A little bit of a maverick, which didn't do any harm, I think, and he also did have a doctorate and I think he did take an LLD later on. He was Chairman of the Faculty, I remember that. I think he was chairman when we first introduced statutes into exams, as students actually didn't have to rely on their memory, but at that time, of course, Statute Law was overtaking Common Law as the main source of law, so we had to do that. I remember he was also Admissions Tutor for Downing College and there's a book written by somebody about life at Downing which involves a fictitious figure of admissions tutor who's supposed to be based on the maverick figure of Clive Parry. However, don't take me wrong, he was a very serious scholar.

53. Yes. I've been told by Professor Allott⁴² that he had great respect for him academically.

Oh, yes.

54. Robbie Jennings⁴³ would have perhaps crossed your path?

Well, yes. Robbie is in the McNair mould; very serious International law scholar who, in his turn, became Judge of the International Court. I suppose I should also mention Kurt Lipstein⁴⁴, but everyone knows and remembers Kurt so well. Now, Kurt came in the '30s when a lot of the Jewish immigrants came to Cambridge and I think he must have done the first ever PhD in law, in Roman Law. I remember it being produced when we had dinner, at least a party in his honour, just before his death, a PhD in Roman law, but his linguistic gifts and the way he put himself out for foreign students in pretty much any language going was breath taking and such a lovely man.

55. He and Clive Parry shared a house.

Did they?

56. On the Barton Road. They built a house with a clear division between, as a way of affording a property on the Barton Road and eventually Professor Lipstein bought him out and then he had the whole house. But Clive Parry was a great friend to him when he was interned.

Yes. I can believe that, yes. This was all before my time, but I can believe it's very

⁴¹ Clive Parry (1917-1982), Professor of International Law 1969-1982.

⁴² Philip J Allot (1937 -), Emeritus Professor of International Public Law, Fellow of Trinity College.

⁴³ Professor Sir Robert Yewdall Jennings (1913-2004). Judge International Court of Justice 1982-95. President International Court of Justice 1991-94. Whewell Professor of International Law, University of Cambridge 1955-81.

⁴⁴ Kurt Lipstein (1909-2006), Professor of Comparative Law 1973-76.



true.

57. Someone else, perhaps Professor Jolowicz⁴⁵ you might have memories of?

Oh, yes. Let me think. He would already have been a fellow of Trinity when I arrived. I remember he drove an E type Jaguar. Ellis Lewis... I didn't ever meet Professor Winfield⁴⁶, who had died just before I came and Tell did the sixth edition, I think, on tort and then Tony Jolowicz took it over and Tony really succeeded in the Winfield tradition as a tort lawyer and in the Hamson tradition as a comparative lawyer. And he very much built up Comparative Law as a subject and specialised quite a lot in Procedural Law rather than the law itself, but the way the law was administered and applied in the different countries and he had a good network of friends overseas, both in France and in Mexico I think particularly. Was it Mexico?

58. That's correct, yes.

Yes, that's right. But a very genial colleague and, of course, his wife, Poppy, we've known them all the time we've lived in Cambridge.

59. Lovely people.

Yes. Yes.

60. Other colleagues or academics who have crossed your path from between 1960 and 1997 would have included Derek Bowett⁴⁷.

Yes. Derek being in international law, of course, our paths didn't cross all that much. And, again, once the international law got its own building, we saw rather less of them. Of course, on academic committees and so on and again as President of Queens', as he was, I met him in that capacity and socially and I know they had friends in our village and I met them more socially rather than more than I had any academic contact with him but, again, very distinguished. We haven't had an undistinguished international lawyer, I think, in history. This is the mecca of all the top people year after year. We reap the best and send out the best postgraduate students. I think Cambridge can certainly claim that.

61. Not an international lawyer, but a very esteemed historian, Professor Peter Stein⁴⁸.

Yes. Peter was an undergraduate at Caius in fact.

62. Yes. I think was his father there, perhaps, as well.

Yes and Peter's second name was Gonville. Yes. So there's some family loyalty there but, again, Peter's subject being primarily Roman Law. It was not a subject I had any knowledge of really, not since undergraduate days and so on, so I've met him mainly socially and when he was Chairman of the Faculty and so on, in an administrative and social way. Yes. The other one I should perhaps mention, David Williams⁴⁹ came to us. He came straight into a full lectureship, I think the same time as Peter... Jesus College, criminal lawyer... begins with G.

⁴⁵ Fn 36

⁴⁶ Sir Percy Henry Winfield (1878-1953), Inaugural Rouse Ball Professor in English Law 1928-1943

⁴⁷ Sir Derek William Bowett (1927-2009), Whewell Professor of International Law 1981-1991

⁴⁸ Peter Gonville Stein (1926-), Regius Professor of Civil Law 1968-1993.

⁴⁹ 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.



63. Glazebrook?

Glazebrook⁵⁰. They both came together, I think. Had they both been to Nottingham or something like that, I think? Yes, came together. David came to Emmanuel and our careers went in parallel for quite a time because he was Senior Tutor and Admission Tutor for Emmanuel. We were born in the same year and celebrated birthdays on and off together and so on. I remember when he turned 70 he had a dinner for all his friends who were turning 70 that year, which included me.

64. Delightful.

I knew both him and Sally extraordinarily well. There was a certain rivalry between Caius and Emmanuel, whether it was in Tripos results or rugby blues and so on, which we kept going. He's one of my oldest and best friends. And of course achieved distinction as a legal scholar first and then built up this enormous network of connections in the States and through the Commonwealth, which he built on when he became Vice Chancellor. And left, I think, a huge legacy in terms of the network that he built up as Chancellor, which has gone from strength to strength ever since. He had a really extraordinary career.

65. Yes. Sadly, I didn't have the chance to interview him.

Very sad, that would be.

66. Professor Hepple⁵¹, you might have

Yes, I've known all these people as colleagues, but not really in a great position to sit and... I mean, Bob himself, had an extraordinary career, not least when it began in South Africa and when he left South Africa, came here.

And then a stint in a judicial capacity as a labour lawyer and then back to be Master of Clare. Yes. A great friend, good company socially.

67. A really lovely person.

Yes.

68. You mentioned, Professor Sealy, the great tradition of international law here and Professor Allott⁵² is still publishing very much these days and he has had a very interesting trajectory. Do you have any recollections at all of him?

I've had very little. He's a quiet chap. Not had much contact socially. He's not been very keen on administration and so on, so, again, I don't think he's ever served on the Faculty Board, or if he did, it was for a very brief time. He's lived with his books, but I suppose for many of us he was our mentor in matters relating to Common Market as to whether you should call it the EU or the EC and that kind of thing, so he did wean those of us not doing Common Market law, EU law, very much into coming to terms with it and understanding a lot about it.

It has had an impact. I mean, company law has a huge amount of regulation from Brussels all the time, so we've got to learn to live with Community law and he was, I think, quite a pioneer in bridging the gap between us common lawyers and those of us who now have to live as part of the EU. As well, of course Kurt and they were a great pair in that way.

⁵⁰ Peter R. Glazebrook, Lecturer in Criminal Law and Legal History 1967–2003.

⁵¹ Sir Bob Hepple (1934 -), Emeritus Professor of Law, Master of Clare College 1993-2003, Professor of English Law UCL 1982-93.

⁵² Fn 39



69. Professor Cornish⁵³?

Well, Bill and I became professors on the same day, I think, and so it's only since then that I got to know him but, again, mainly as a fellow colonial and as a chum.

But (to mention briefly) the three children which we have who have all become scientists and I was very pleased that there were no lawyers there because I thought they were going to make a much more creative contribution to the world than sitting in a law office and then my youngest daughter, having done eight years of biochemistry and got a PhD in Oxford first, suddenly decided to become a patent lawyer and had to buy Bill Cornish's book, so we've got a lawyer in the family now.

70. After all.

A patent attorney, anyway. So I've had odd jokes with Bill about that. Yes.

71. And what an impressive provenance, as a scientist first.

Well, yes, that is a growth area in patent law now, whether it's in pharmaceuticals or gene-splitting and gene this and that, and I think that and probably petrochemicals are probably the big growth areas in Patent Law now, not mousetraps and corkscrews any longer.

72. Do you have any recollections of Professor Beatson⁵⁴, as he was then, before he went to the High Court?

Well, not particularly, apart from the fact that he was a contract lawyer and I was a contract lawyer. Again, I got to know him well enough as a friend and he edited *Anson on Contract*⁵⁵ didn't he and so on? I remember using that book once he had edited it in preference to *Cheshire & Fifoot's Law of Contract*⁵⁶ for Cambridge students. There's always a time, I think, when an old book will die the death unless it gets into a new pair of hands and *Anson* was really revived from nowhere, just as we had to do with *Benjamin on Sale*, which is another 19th century classic, which almost petered out and has been relaunched as a current book.

73. Very interesting. So before we close the section on personalities, there's one academic I would like to ask you about, Professor Sealy, and that's Tony Weir⁵⁷, who was a great, very impressive intellect in the Faculty. I wonder whether you have any recollections of him.

Oh, endless recollections of Tony. He's another, of course, who's kept the Comparative Law thing going and going from strength to strength. He was very hospitable to all the foreign law students who came on the summer course. He's written very profoundly both in Contract and in Tort in his casebook on tort. Of course, I did a case book on Company Law and I'm sure I borrowed a lot of ideas as regards the structure and approach of the book from that very successful book that he wrote. I remember him mostly, apart from knowing him as person, for his contributions to the *Cambridge Law Journal*, particularly the case notes because they were wickedly funny, often. In fact, one of them Professor Hamson, when he was Editor, declined to publish because he thought it a little too mocking of the

⁵³ William R. Cornish QC (1937-), Professor of English Law, LSE 1970-1990, **Error! Main Document Only.** Herchel Smith Professor of Intellectual Property Law, Cambridge University, 1995-2004.

⁵⁴ Sir Jack Beatson (1948-), Rouse Ball Professor of English Law 1993 - 2003. Lord Justice of Appeal 2013-.

⁵⁵ *Anson's Law of Contract* 2010, paperback, J. Beatson, A. Burrows & J. Cartwright.

⁵⁶ E.g 1960, 5th edition.

⁵⁷ J. A (Tony) Weir (1936-2011), Reader in Law, Trinity College.



House of Lords, I think. But there was always a splendid quip or pun or something in just about everything he wrote and the students would fall on his case notes with great glee because I think he just brought a new dimension and a bit of life into what he wrote. We were always surprised that he didn't ever take a chair. I know he was offered a chair on more than one occasion. He wanted to stay, I think, where he was, happy with his supervisions and his writing and his contacts outside that. Very sad that he should go when he did. In fact, I had lunch in Trinity a week before he died and had a good chat with him, no idea this was in the offing.

74. Very sad. Professor Sealy, that brings us to your sabbaticals. In 1968 you had a sabbatical at ANU when you were a lecturer and I wondered about any memories you might have had of that.

Well, it was a great break. The Institute of Advanced Legal Studies at Canberra was separate from the Law Faculty and I had no teaching responsibilities or even any sharing. The members there were not expected to go and teach in the law faculty, so it was pure research apart from some in-house seminars and I was not given any brief as to what I was to do there; it was up to me to find my own way of using the time. I was invited, I think, by Professor Sam Stoljar⁵⁸ who, like Kurt Lipstein, was a refugee from pre-war Germany, a linguist of some skills and also a very keen legal historian and he'd written some books in areas of contract, agency and so on and I think it was through those that I got to know him. Anyway, they had money to offer to visitors and I was invited to apply for a whole year's sabbatical and off we went with two small children. It was a very happy year for me altogether in many ways. I started to work on this ancient book, *Benjamin on Sale*⁵⁹, which the publishers thought should be brought into the 20th century, but after a few months I realised it was more than I could do by myself, so it was then arranged that they should get a team of six or seven authors to write a part of the book each and as I'd already written a third, it was natural that I shouldn't go into that team. I also started work on my company law case book.

At the time, there was one case book on law published by the Cambridge University Press, Turner and Armitage and they got the idea that they should duplicate or replicate this book across the board, so somebody was to do tort and somebody to do contract and so on and I found myself doing company law, but it was a pretty poor book when it was published partly because the press only allowed you to do extracts from the cases and you were allowed one strapline across the top to summarise what it was about. So it wasn't a very useful teaching tool. Then a chap called Geoffrey Wilson did one on Constitutional Law. John Hall was another college man, much respected, John Hall at St John's, another who died prematurely. John Hall did one on Family Law as well, but the press decided it wasn't making money on law books and so it gave up law publishing temporarily. It was persuaded to go back to it, I think by Bill Wade, later. So Butterworths took the title⁶⁰ over and they gave me free reign to reshape the book, so I could put in comments and I asked the students questions and so on.

So the second edition of the book was much more to my liking and it's been a successful book ever since and, to my great joy, when I decided to ease up on the writing,

⁵⁸ Samuel (Sam) J. Stoljar (?–1990)

⁵⁹ *Benjamin's Sale of Goods*, 2006 7th Edit. A.G. Guest, C.J. Miller, D. Harris, G.H. Treitel, E.P. Ellinger, C.G.J. Morse, E. Lomnicka, L.S. Sealy, F. M.B. Reynolds. Sweet & Maxwell, 2720 pp.

⁶⁰ 1971. *Cases and Materials in Company Law*, 1st ed CUP. 7th edn 2001, now in 9th edn 2010 (by Professor Sarah Worthington).



Sarah Worthington⁶¹ took over editing of it and she's just finished, I think, the tenth edition in manuscript. It's going off this week, so that was the other work which I did whilst I was at Canberra, but I did also some work for the Federal Government, not on a paid basis, but a *pro bono* basis and I was invited to give seminars and lectures in Melbourne and Sydney and Monash and other places while I was there.

75. Sounds like a marvellous year packed with very fruitful activity.

Oh, surely. The building we worked in was built like a honeycomb so that everyone had access to the light at both sides, but where any three branches joined there would be a cafeteria. So if I went to have a coffee in a westerly direction I might have political scientists to share my coffee with. If I went in an easterly direction, it might be an economist and another direction... so that it was a great exchange of chat there, not necessarily very serious, but it was a very enlightening way, I think, to lay out a research institute.

And I met some particularly... Geoffrey Sawyer⁶², who was the Head of the Institute and the leading expert on the Australian constitution, a very jolly and slightly cheeky chap. He was a great mentor to have there.

76. You had other sabbatical visits too, Auckland, Melbourne, Bond in Queensland.

Yes, Auckland was simply I went out and did a term of teaching because I hadn't seen my family for seven years or something, so I didn't do any study then. I was just visiting and more or less teaching and, again, I had quite a bit of contact with the profession and gave public lectures and so on. Then I was offered a visiting professorship at Melbourne sponsored by a firm of solicitors who had linked firms in all the state capitals in Australia. And as well as teaching in both Monash and Melbourne University, I went round with one of their partners or two of their partners to the other firms giving in-house seminars and sometimes public lectures as part of the stint. We went one week, Monday was Brisbane, Tuesday was Sydney, Wednesday was back in Melbourne to change your shirt and things, then on to Adelaide and finally to Perth.

We each gave a seminar in the morning and a seminar in the afternoon in each of these places and what was most interesting to me was how different the seminars were in the different places. We were talking about takeover bids and in Queensland everybody in the building when I was talking about it seemed to be somebody who had been the victim of a takeover raid. When we got to Perth, everyone in the building was a raider, who was rubbing his hands and things, so the seminars were quite a contrast, although it was the same theme, I said much the same things, the feedback was totally different. It was quite good. And since then I've been invited back to Australia two or three times. That's where I have chosen to go partly because I've got roots into Australia, quite well-established now and partly because of opportunities to stop by in New Zealand and see friends and family there.

And for that reason I've not usually spent sabbaticals anywhere else. I've been on short-term things to Geneva and Tilburg in Holland, Canada and so on, but only two or three weeks at a time. I did a five-week stint in Japan once, I think, but I think that was possibly after I'd retired. I can't remember. Otherwise, it was when I was on sabbatical anyway.

77. And South Africa, you visited South Africa?

Yes, I'd gone to South Africa mainly for conferences. I suppose the reason largely is

⁶¹ Sarah Worthington, Downing Professor of the Laws of England

⁶² Professor Geoffrey Sawyer (1910–96), Professor of Law, Research School of Social Sciences at the Australian National University.



that Johan Henning⁶³ at Bloemfontein became a good friend because his subject's company law and so is mine and through Barry Rider and others, we got links going there. So just before the election, it was some time before then, I'm trying to think whether Mandela was already in office, I don't think he was, he was about to become... he wasn't in office because I actually went to, I went to... what's the Afrikaans university in Johannesburg?

78. Is it Rand? The Rand Afrikaans University?

I think that's right. I went there to hear him give a lecture. He was very apologetic that he didn't want to speak more than one paragraph in Afrikaans before he switched to English, which was greatly to my advantage. Yes. One of your leading judges organised a conference in Johannesburg really to try and bring a lot of glasnost into post-apartheid South Africa and we had a lot of labour lawyers there and a lot of company lawyers. And I spoke at that and while I was there I was invited up to Pretoria and I went also down to Bloemfontein, met all the supreme court judges, high court judges - gave a public lecture there and we went off to Lesotho for the day, which was quite fun too, and on the strength of that, I've been invited back. I'm having trouble with names now. There was a banking lawyer who had a conference in Pretoria every year and I went out for that every year, to say something about company law or insolvency law and then they made him a judge, so that conference dried up, so I haven't been back since except that we had a week in South Africa on our way to New Zealand last year, drove the Garden Route.

79. Ah. Lovely.

But all these different links developed a connection in Commonwealth law, which became quite good and big interest in its own right, apart from just study. There's a series called *International Corporate Procedures*⁶⁴ and this book called *Gore-Browne*⁶⁵, I was invited to become Commonwealth editor of that, so I had to read all the Commonwealth judgments in company law at the time.

And this one (*International Corporate Procedures*), on the strength of it, is not just Commonwealth, it's just a handbook for practitioners telling them how to set about forming a company in Timbuktu or wherever you might want to be. We digested the tax laws and company laws and so on. I didn't say Timbuktu, I should have said the Virgin Islands or somewhere where they do have companies. But it meant that, again, I went to a lot of conferences on the strength of that. So although I'm not a comparative lawyer in the Hamson/Jolowicz sense, that came in when I was doing this legal drafting in Malawi and Vanuata and various other places. We'll come on to that later.

80. Very interesting indeed. That brings us to topics related to the faculty of the university and your lengthy association with the faculty as a lecturer from 1961 to 1997, 36 years and then your association with its administration puts you in a very strong position to reminisce on some of the major - and in some cases traumatic - upheavals.

Yes.

81. So when you first arrived as a postgraduate in 1955, my first question is what you felt about the weekenders who you would have encountered because various scholars have had differing opinions of the weekenders; some thought they were just wonderful

⁶³ Professor Johan Henning, Dean of the Faculty of Law at University of the Free State.

⁶⁴ Jordans Publishing, General Editor Emeritus, Professor Leonard S Sealy, Gonville and Caius College, University of Cambridge

⁶⁵ *Gore-Browne on Companies Online*



and others not quite so.

Yes. I never was on the receiving end of a supervision from a weekender. I think on the whole they were people on the way up and many have ended as quite senior barristers or judges. They would have taken enough of a wider interest in the subject to have got the topic across well to the students. I think they were probably on the whole quite lively personalities, not all that bookish and retiring. It was just a new dimension to their lives and I think that would explain why they were lively people. I don't really believe that the content of the Tripos in those days was as demanding as it's become now. The law was less complex, students were on the whole less bright, or rather they ranged from the very bright to the less bright and so supervisions could take quite a number of levels depending on what students wanted and what the supervisor could give. And the best of them coming from practice, where he could talk with authority of what goes on in practice. There must have been some as good as anything they'd get and there may have been some fairly mundane, plodding ones, but I don't know. I wouldn't like to put a name on anybody who I'm branding that way. Going back to my time as a student in New Zealand, we were taught a lot of the time by practitioners, some of whom were very able and conscientious and some of whom were extremely lazy. You know, we used to buy the evening newspaper and read it in his lecture as a way of getting the message to him that we could get the subject better out of a book than we could get out of him; very unkind.

But I don't think there was any such feedback from the students [LD: *here*]. There could well have been colleagues who thought the students were getting second best teaching, but if that was the way, you couldn't just afford full time college officers like you've got these days.

82. I know that Professor Jolowicz was a weekender.

He would have been, yes, because he did have time at the bar and retained his links to the bar and I'm sure students who do want to go on to practise law do get a great deal out of a supervisor or a lecturer who's seen even a tiny bit of practice like I did.

83. Lord Lane is another name that springs to mind.

No, I didn't know Geoffrey Lane at all.

84. He was apparently very colourful.

Yes. Yes, I met him a couple of times in later life, but I know he came up as weekender and he's maintained links with members of the Faculty. I don't know anything about him really.

85. Professor Sealy, you alluded to the way teaching in earlier times for the Tripos was less demanding. You have seen major changes in the teaching techniques, the syllabus and attitudes to students. I wondered if you could just highlight some of these changes.

I think what I was saying was the content of the subjects is much more demanding now. Students came and as well as doing Roman Law for one year and sometimes I think for two years in those days, they did the historical introduction to the English legal system, the historical introduction to Contract and Tort, historical introduction to Constitutional Law, historical introduction to Property Law. In the first year they didn't study any real law at all. They were all paving the way really for later courses. So that meant that at the further end of the Tripos there was no Company Law, no Trusts, no Equity, no Tax Law, all the subjects they do now.

The result is that [LMD: *now*] there's much more content right from the start. They



learn the law of Contract, the law of Tort and so on, Criminal Law, to its full extent and depth right from the start, so it's that that's changed rather than teaching techniques. So obviously the size of classes has grown, so you've got bigger classes, but you've got audio-visual aids and things, even duplicated hand-outs weren't common in my day. So it's that that's changed more than anything else. We offered courses in Roman-Dutch law and Scots law and so on, which were really only a gloss on what they were learning in English Law and so a person going to practise law in Scotland could do English Contract and English Tort and then Scottish Contract and Scottish Delict and so on, not getting a very wide coverage of law at all.

Looking back on it, I think also the exam questions weren't as hard, they weren't as open ended. A student could learn what [*LMD: he*] was expected to know and write it out and he'd get a safe second and it was only really the keen ones who read more widely and shone at the top, whereas it's very hard to get an unkeen student these days. They're all after a 2:1, at least, if they can get it and they're very conscientious about it. I think the supervisions reflect that, they set more essays.

86. It seems to have become a lot more professionalised.

Absolutely. And the very fact that we have research assessments and so on means that the teachers are on the ball all the time. There's no sinecures left for the Henry Barnes' of this world. I don't mean to disparage Henry, but, no, he wasn't expected... wasn't asked and didn't seek to do any more than put the basics across to the student in an assimilable way and make sure they understood them- that was 1950s teaching, 1960s teaching.

Talking of Glanville Williams, he was very much a pioneer in enlarging the Tripos syllabus. I remember we had great votes as to what subjects should be in which years, which new subjects should come in at the top and what elementary subjects should go out, at the bottom. And Glanville also was a great pioneer of teaching methods, which the students didn't like because this involved him asking them questions and expecting them to have read the subject up before the lecture, which he'd done in the States and thought it a great way of learning, but it was not a subject which 1960s English students took to at all.

87. Professor Hepple tried to take that on as well.

Yes. You can do it much more easily, particularly in LL.M in the half subjects now. LL.M, you've got students from all sorts of backgrounds who are very well qualified and often sometimes they've been practicing law in their own jurisdictions and so on.

I remember once when the assessor came and he wasn't supposed to drop in on my insolvency lectures, but he did gatecrash my lectures and when this happened I was sitting at the back of the class and I had a Canadian and an Australian standing in front having a debate with each other while the students took down notes. So he, the assessor, ticked all the boxes and said this must be a good way of teaching. And then he confessed, "I had to drop in because I've been bankrupt myself, you know," which is not the best qualification to become a university academic assessor! There wouldn't have been any of that when I started lecturing to Tripos Part I.

88. Professor Sealy, for most of your time the Faculty was in a sense homeless, partly in the Old Schools and then scattered in Mill Lane and I wonder if you could summarise the changes in the accommodation and some of the administrative problems over this period and how it actually affected the operation of the Faculty.

Well, I suppose behind it all is the fact that bureaucratic demands have grown, not least on the Old Schools, so they just had to expand and expand as more and more pressure



was put on them that way. And so gradually we did have several rooms in the Old Schools and they took them over one by one, sometimes by negotiation and sometimes behind our backs, but that had better not, I suppose, go on the record.

Room 3⁶⁶ was the one big lecture room we had and that was taken out of our possession one long vacation and they were about to sell the desks and chairs and so on and we had to remind them that they had given us an undertaking that this occupation was temporary. So it had to go into storage... it never was temporary. We had the East Room in the Old Schools, which was a nice large room but very poor acoustically; you had to shout. It wasn't a good room for the students to take notes in. So, gradually we went into bits of Mill Lane and the Downing site and so on. And over here, once the Sidgwick got going, some lectures were here. It meant a lot of difficulty both us and the students having to get from one classroom to another in the ten minutes, especially if a lecturer overran for a few minutes, then the whole equity class would be late for the company law class, or whatever it was. And the administration that was part of the little couple of rooms we had in Mill Lane there, for the Secretary and Chairman of the Faculty.

So it was recognised that we had to have a new building and they planned for that without knowing where they were going to put it or who was going to be the architect and they toyed with the idea first of going out to Barton Road to the Rifle Range site which was way out of town and drew up plans for a building which in many respects was going to be isolated and self-standing, although they wouldn't buy the idea that it should have any catering facilities there which would have been daft not to have. And then this deal with Caius came up. The university wanted more land here on the West Road side and the existing Squire Law Library was not big enough even for the Squire after we'd taken over the history building upstairs. So Caius propositioned the Old Schools that we should have the Squire as it then was and in exchange make available to the University some land here [*LMD: i.e. on the Sidgwick site*] next to Harvey Court, which is where the Criminology and the new Alison Richard⁶⁷ building now stand.

And so there was a swap of land with a considerable amount of cash going from us [*LMD: i.e. Caius*] to the University, but we did get the very lovely building that the old Squire had been in, which now houses our library and all our computer labs and so on for the students. Caius is very lucky because there wouldn't ever be another chance to get new premises in the centre of town near to Caius and I think the Law Faculty has done very well out of moving here.

And then we had the competition to choose an architect and I sat on the committee which interviewed all the architects. I think we had about nine for a start and they were paid to submit projects. They put theirs in, we cut it down to three and we had further presentations from the remaining three and although the committee might have liked to have one of the others, the University regarded the Foster proposition, taking into account the funding and other things, as a better deal. He had a known reputation for finishing jobs on time and on budget and so on and I expect that was a consideration. I wasn't party to the University's deliberations, but it would be interesting to know what sort of a building we'd have if we hadn't had Foster because I think he is a great architect. His building has been a great success. So then there was the question of what should go in this building and what

⁶⁶ Originally the mediaeval School of Civil Law: a beautiful "long lecture room with the Regius Professor's chair at the end" - according to Mr. Prichard, second interview, Q54.

⁶⁷ Centre for Research in the Arts, Social Sciences and Humanities and for the Department of Politics and International Studies: includes the Centre of African Studies, the Centre of Development Studies, the Centre of Latin American Studies, and the Centre of South Asian Studies.



should not and, once again, we failed to get any response on the catering questions, which explains why there's such poor plumbing in this building for anything like a canteen. It's not going to be so bad now that we do have an extra source of food here on the site, but when there was only Economics and us, it was a good thing that Nadia came along with her sandwiches for a while.

I wrote a note to you about Norman Foster⁶⁸. He came up for a weekend apparently and did his preliminary sketches and that was the vision he had for the building, which is the building we've got. And although he changed all sorts of details, it's still in shape and general aspect, it's the building he planned except he did plan it to be an L-shaped complex with Criminology going off towards the road at an angle, but that never went ahead in the long run and, as I said, whenever we had questions, he was very receptive to talking about all this through and going away having another thought. Almost always came back with a better solution and would say, "Oh and you'll save money." And that's a rare thing in an architect, I would think.

89. Well, something that I wondered concerns a remark by Professor Barry Rider in your Festschrift on page 18. He says you – and I quote – “Skillfully negotiated the agreement of colleagues to contemplate the deal which funded in major part the building in the new Cambridge Law Faculty,” and I wonder whether ‘the deal’ is just a term that he used or whether there was actually a deal?

I'm sure the deal was either between the Master or the Bursar of Caius and somebody like the Secretary General of the Old Schools, I think. That's where the ideas were originated. Yes.

90. There's just one other thing that strikes me and that is some comments made particularly by visiting scholars that they feel that the colleges in the Cambridge system tend to suck the life blood away from the faculties. Do you agree with this?

This is true and more particularly with the traditional colleges which have a basic quota of undergraduate and postgraduate students who live in. The focus of college life is almost entirely on them and their well-being and their social life and so on. For this reason, whenever I'm ever asked by a visitor what he should do about a college, I say Wolfson and Clare Hall, these are colleges, graduate colleges usually, which have a much greater number, a greater turnover of visitors and which cater for them sometimes accommodation, but certainly with dining arrangements and that sort of thing. They'd get much more out of such a college unless, of course, it's a college they've already got links with where they might want to go back to the feeling they're going home again.

And people liked the way David Williams ran Wolfson when he was Head there, he never forgot a name. He was introducing people to new people and so on. He was extraordinarily good at that. Other friends and colleagues who have gone to Clare Hall find the same thing, that its focus is of course only on visitors and pretty much all on visitors. Churchill comes in between because although it's an undergraduate college in the full sense, it does have quite a lot of accommodation and I think concern for visitors. It's a slightly less stuffy college, in some ways, I don't know whether they have Grace in Latin, but I think wives go in and out to meals and so on, visitors' wives, in a way that might not be usual if they'd come to Caius or Trinity Hall, or whatever other college you would think of as the traditional kind.

⁶⁸ Appended to this tribute - see main page.



91. Thank you. Well, Professor Sealy, that actually brings us to the end of this interview. Next time I hope that we can talk about your scholarly work, so what remains for me is to thank you so much for a fascinating account, which I've greatly enjoyed. I'm extremely grateful to you.

I hope it's shed light on all of your questions.

