

## PREFACE

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The centenary of the *Cambridge Law Journal* represents an important milestone not only for the Journal itself but for the Faculty of Law at Cambridge. As the current Chair of the Faculty Board of Law, it is an honour and a great pleasure to have the opportunity to write the preface to this special issue, in which we celebrate a hundred years of outstanding legal scholarship by republishing – and offering contemporary reflections stimulated by – a series of seminal articles that have featured in the Journal.

As many readers (at least of the print edition) of the *Cambridge Law Journal* will know, each and every issue published since 1967 bears the words, “For the Faculty of Law, University of Cambridge”<sup>1</sup> – words that serve to underline the important connection between the Faculty and the Journal. That connection takes several forms, the Journal being published “for” the Faculty in a variety of ways. It is worth highlighting three in particular.

The first, and most obvious, way in which the Journal is “for” the Faculty is administrative. In contrast to many other leading law journals, a distinctive feature of the *Cambridge Law Journal* is that the editors – even today, following the recent adoption of a new structure involving a larger editorial team – are drawn exclusively from within the Faculty of Law. Indeed, even in the days before the Faculty formally took over management of the Journal from the Cambridge University Law Society in 1954, the general editors – first, Arthur Lehman Goodhart and then Sir Percy Winfield – had been members of the Faculty. The same is true of their successors – S.J. Bailey, Jack Hamson, David Yale, Len Sealy, Colin Turpin, Michael Prichard, David Ibbetson and John Bell – as well as of the current three-strong editorial team, which comprises John Allison, Lionel Bently and Louise Gullifer. Members of the Editorial Committee, made up chiefly of note editors, the Books Review Editor, the Secretary and the Treasurer, are also all Faculty appointees, while the Journal’s Trustees, who are responsible for the management of its financial assets, comprise current or recently-retired members of the Faculty. And, at least latterly, the administrative support of Felicity Eves-Rey has been provided by the Faculty.

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<sup>1</sup> Prior to that year, the Journal was published by Stevens and Sons and declared (from 1954 to 1966) “Published under the auspices of the Faculty of Law, University of Cambridge” and before that (from 1921 to 1953) “Published for the Cambridge University Law Society”.

The involvement of the Faculty in the production of the Journal is by no means limited to those formally involved or whose names appear listed on the inside cover. This is particularly so with respect to the important “Case and Comment” section, which features incisive, often memorable and sometimes highly influential case notes written in significant part (but by no means exclusively) by members of the Faculty and its cohort of doctoral students. Indeed, as each issue of the Journal is being prepared, a network of colleagues is asked to identify cases meriting notes and suggestions of suitable contributors of such notes. These suggestions are assessed by the committee of case-note editors, with notes then commissioned, written, reviewed, revised and prepared for publication within a matter of weeks.

The second sense in which the Journal is “for” the Faculty is that the Faculty has, over many years, been a significant beneficiary of the decisions of the Editorial Committee as to the spending of resources raised by the publication of the Journal. This has resulted in support for the Faculty across a number of areas, including the co-curricular activities of the Faculty’s students (including the publication of the student law review), Senior Combination Room facilities (which are open both to Faculty members and doctoral students), research space in the Faculty building for doctoral students, Research Excellence Framework-related matters (such as impact-generating activities) and support for the Faculty’s IT team. Two further areas warrant special mention. The Editorial Committee has frequently assisted the acquisition of books for the Squire Law Library, particularly in the areas of legal history and comparative law, including through two major donations in 2008 and 2014; the Squire Law Library has also been the recipient of the many books received by the Journal directly from publishers but which it is not able to review. Since 2014, the Journal has also made very significant contributions to the Faculty’s educational mission by supporting a number of full and partial doctoral studentships; this includes a particularly noteworthy decision in 2015 to commit £200,000 to the provision of such studentships. The Faculty is hugely grateful to the Journal for providing such generous support across such a broad range of its activities.

The connections between the Journal and the Faculty described above are enormously significant and beneficial, but perhaps the most important sense in which the Journal is published “for” the Faculty concerns the fact that the Journal embodies and promotes the values of the Faculty, extending its intellectual reach and reputation, and contributing to the esteem in which it is held. It is particularly apposite that the Cambridge Law Journal is a generalist journal; as such, it reflects the wide range of interests and expertise that are found within the Faculty. The Journal, like the Faculty, values doctrinal research, but recognises that ambitious scholarship must often go well beyond the rationalisation of case law and the facilitation of doctrinal coherence. The Journal also shares the Faculty’s commitment to

recognising and promoting the very best legal research produced by authors drawn from a range of legal traditions and from all over the world. While the Journal is, in the senses described above, very much a product of the Law Faculty at Cambridge, it is also a leading global law journal that aims, like the Faculty itself, to celebrate a rich diversity of legal scholarship.

This centenary issue offers an opportunity for current Faculty members, including two former editors of the Journal, to revisit a number of outstanding individual contributions to the Journal during its first hundred years. The various essays reflect on the contribution made in articles by two former editors, Jack Hamson (editor from 1955 to 1974) and Len Sealy (editor from 1982 to 1988), as well as Glanville Williams, Christopher Forsyth, Sir Derek Bowett, Sir Robert Jennings and Sir John Baker. The issue also includes a review by Nick McBride of the case notes and book reviews of Tony Weir, reflecting the fact that the intellectual and scholarly content of the Journal is found not just in the articles. The centenary issue thus covers the fields of criminal law, tort, public law, equity and company law, comparative and international law, and legal history. Perhaps inevitably, and not least because this issue was being assembled during the extraordinary circumstances occasioned by the coronavirus pandemic, there are some very significant articles that it has not been possible to include due to the infeasibility of completing the intended corresponding essays in time. In this regard, Sir William Wade's seminal article on parliamentary sovereignty is perhaps an especially notable omission.<sup>2</sup>

As the Cambridge Law Journal celebrates its first hundred years, it is a great pleasure to express, on behalf of the whole Faculty, sincere gratitude to everyone involved in the production of the Journal over that period: to the successive editors, the many authors who have contributed not only articles but also case notes, comments and book reviews, peer reviewers, administrators and all others who have played their part in the publication process. The centenary issue has been put together by the current editors – John Allison, Lionel Bently and Louise Gullifer – with the administrative and research assistance respectively of Felicity Eves-Rey and Jack Veraldi, along with input from Andrea Williams and Jamie Davidson at Cambridge University Press. Each of the essays has been reviewed by two anonymous reviewers. We are grateful to all of them, as well as to Lady Arden for providing a foreword. I hope that readers will agree that this special issue is both a fitting celebration of the outstanding legal scholarship published in the Cambridge Journal Law over the last hundred years and a fitting platform for the Journal as embarks upon its second century of publication.

<sup>2</sup> H.W.R. Wade, "The Basis of Legal Sovereignty" [1955] C.L.J. 172.