

THE ESTABLISHMENT OF THE INSTITUTE OF ADVANCED LEGAL STUDIES OF THE UNIVERSITY OF LONDON

by Willi Steiner

former Librarian of the Institute of Advanced Legal Studies

1. Introductory remarks

Legal education in England was and remained in an unsatisfactory state throughout the nineteenth century and beyond. Some reforms were carried out but they tended to be piecemeal and tentative. A milestone was the appointment of the Lord Chancellor's Advisory Committee on Legal Education in 1972. A brief account of the history of legal education was given by Lord Russell of Killowen, then Lord Chief Justice of England, in a lecture to be mentioned at the beginning of the next section, and fuller accounts are to be found in Professor L.C.B. Gower's inaugural lecture as Sir Ernest Cassel Professor of Commercial Law in the University of London¹ and in the Report of the Committee on Legal Education (the Ormrod Committee), March 1971.² They both refer to relevant documents and Professor Gower to many items of relevant literature.

The following paragraphs will be confined to matters directly relevant to the eventual establishment of the Institute of Advanced Legal Studies. Four strands recur throughout the period under review and they combined to bring about the establishment of the IALS: legal research, including information about research, law libraries including central and union catalogues, comparative law, often with particular reference to the laws of the Empire, and the idea of an Imperial Law School.

2. To the appointment of the Committee on Legal Education (Atkin Committee)

Professor Aubrey Diamond, the third Director of the Institute, has drawn attention

to a lecture on "Legal Education", delivered on the 28th of October, 1895, in Lincoln's Inn Hall by the then Lord Chief Justice of England, Lord Russell of Killowen, which may form the starting point of these remarks.^{3,4} Lord Russell reviewed the history of legal education in England, criticised its state as it was at that time, and put forward his own suggestions. He proposed that the Inns of Court establish a school of law which would be granted a royal charter and would have the power to award degrees. Both the legal profession and the universities would be involved in it. Lord Russell was ahead of his time and his suggestions were not acted upon. In an address to the Nottingham law students in 1900, Lord Russell suggested the establishment of an Imperial Law School.⁵

Dissatisfaction continued and there must have been a good deal of discussion some of which found its way into print. Some of the published items will be discussed or referred to in the following lines. The Society of Comparative Legislation was interested in the establishment of a comprehensive law library and the subject keeps recurring in its Journal. An unsigned article on "Comparative Legislation" in the Times of 26 December, 1907 stressed the importance of the comparison of laws and castigated the inadequate and fragmented library provision in that regard in London. The writer suggested that a library of comparative legislation be built up as an adjunct to the Permanent Secretariat of the Imperial conference or, as a second best, that a central catalogue of relevant literature be compiled, possible under the auspices of the Society of Comparative Legislation. The Journal of the Society noted the article and observed that "it is indispensable...to consult the Acts, the

Ordinances, the Codes themselves, the Reported decisions of the Courts, the works of the Textbook writers, commentators, historians and jurists, legal pamphlets and reviews...from all parts of the world, Blue Books, White Books, Yellow Books; in a word, the whole literature of Law, collected together in some conveniently central building, catalogued and made freely accessible to all bona fide students." It quoted a letter from Sidney Webb, the founder of the London School of Economics, who suggested the building of a central library near the London School of Economics, which would cost £20,000, or "faute de millionaire", the compilation of a union catalogue, "periodically published by subject-sections...and maintained by some sort of joint committee".⁶

About two years later, Dr. Ernest J. Schuster, K.C., the leading expert on German law in England, gave his collection of comparative law to the Society of Comparative Legislation and allowed free access to the room in which it was housed. After his death, the Society deposited the collection in the Library of the London School of Economics in 1925 and gave it to the School in 1936. It thus forms part of the law collections of the University of London. It was evacuated into the country during the Second World War.⁷

In the course of the First World War, Professor E. Jenks, revived the idea of an Imperial School of Law which he described as having been wrecked earlier.⁸ In 1919, Professor H. Goudy, in his Presidential address to the Society of Public Teachers of Law, hoped to see "a stately pile of buildings erected near our Law Courts, in which all the law teaching in London may be concentrated". He stressed the need for a complete law library.⁹

On 18 December, 1919, Mr. C.E.A. Bedwell, the Hon. Secretary of the Society of Comparative Legislation, read a paper on "Imperial unity and legal research" to the Society.¹⁰ He suggested in conclusion that there be constituted "a Committee of the Privy Council for legal research [on the lines of the Committee of Industrial and Scientific

Research], whose three primary functions would be (i) to organise legal research work, (ii) to co-ordinate and develop the supply of material for research, and (iii) to disseminate its results." He also drew attention to the publication by the Society in its Journal of an annual summary of Empire legislation. In the discussion following on the paper, Mr. Newton Crane compared American law libraries with those in London. He complained about the multiplicity of inadequate collections of American and Colonial laws in London and hoped that the collections would be brought into some system.¹¹

In "The study of comparative law in France and England",¹² Professor H.C. Gutteridge complained about inadequate library provision and recommended a central catalogue. He also suggested cooperative purchasing, allocation of different jurisdictions or subjects to different libraries and exchanges with relevant bodies in other countries.

The idea of an Imperial Law School was pursued by Professor J.E.G. de Montmorency.¹³ He envisaged "a great Imperial Library as the source of knowledge for an Imperial School of Law". He thought of this as an Imperial War Memorial. Professor H.C. Gutteridge, contributed a note which is essentially a report on a discussion which took place on 14 July 1926 at the Congress of the Universities of the Empire. Several speakers, including Lord Justice Atkin, had urged the "creation of a new centre in London which would concern itself solely with the advanced study of the law and which might also possibly act as a clearing house for the dissemination of legal information." Several speakers had stressed the value of an Imperial Institute of Advanced Legal Studies for the study of comparative law and noted the difficulty in this connection arising from the absence of a great law library such as that at Harvard.¹⁴

Professor Goudy's address was referred to in a letter to the Times by Professor H.A. Smith of 7 April 1926, and a letter by Professor H.C. Gutteridge of 12 April. Between them, the writers stressed that any impression of

Imperial propaganda or propaganda for the Common law had to be avoided, that teaching should be given to postgraduate students only and that a scheme of co-operation between existing bodies should be set up rather than a separate institution. They followed Goudy in suggesting that comparative law and systems other than the Common Law should also be studied and, like Goudy, they stressed the need for a really complete law library.⁹

On 9 July, 1926, Professor H.A. Smith read a paper on "An Imperial School of Law" before the Society of Public Teachers of Law.¹⁵ He summarised his proposals as follows: "... we should aim at creating a centre of scientific legal research and advanced teaching, which should act as a kind of post-graduate school to the various law schools at present existing in the British Empire, and also as a research laboratory in which all kinds of accurate information and skilled advice upon legislative problems would be readily available." He stressed the importance of a good library and criticised the lack of collections within the Empire such as those at Harvard or Columbia (p.15). Finally, he suggested that, the merits of the University of London notwithstanding, the proposed School should be an independent institution (p.16).

On 26 November, 1926, a conference convened by the Lord Chancellor heard an address by Lord Justice Atkin on constituting an Imperial School of Law. The speaker divided the problem into a number of separate heads:

- The provision of a library;
- The provision of some form of Institute where facilities for research would be available;
- The development of the study of comparative law; and
- A department which would deal with the needs of post-graduate students from the Dominions.

A Committee was appointed to further consider and deal with this matter. Its members were:

- Lord Justice Atkin (Chairman)
- Mr. Justice Romer
- Sir William Beveridge (Director of the London School of Economics and Vice-Chancellor of the University of London)
- Mr. A.H. Coley (President of the Law Society)
- Mr. L. de Gruyther, K.C.
- Professor H.D. Hazeltine (Downing Professor of the Laws of England in the University of Cambridge)
- Professor E. Jenks (Professor of English Law in the University of London)
- Mr. A.M. Langdon, K.C.
- Professor R.W. Lee (Rhodes Professor of Roman-Dutch Law in the University of Oxford)
- Mr. H.P. Macmillan, K.C.
- Sir John Risley, K.C.
- Sir Claud Schuster, Clerk of the Crown in Chancery and Permanent Secretary to the Lord Chancellor, was appointed Secretary of the Committee.

Its terms of reference were: "to be a preliminary committee to consider the question of providing in London facilities for the study of the laws of the Empire, and to report whether any, and what, steps can usefully be taken for that purpose."¹⁶ Nothing seems to have resulted immediately from the work of this Committee.

On 7 July, 1928, Professor H.C. Gutteridge delivered his Presidential address to the Society of Public Teachers of Law on "Advanced Legal Studies",¹⁷ and on 11 July, 1931, he read a paper before the Society on "The value of comparative law".¹⁸ The subject matter of both addresses is relevant to the future Institute though the proposal for its establishment or for the setting up of something like it was not discussed. In the former paper, the author referred to the danger of duplication of subjects of research and thought it desirable that some system of co-ordination of research be devised.¹⁹ J.C. Gardner in "The study of comparative law in Great Britain" pleaded for the development of the discipline.²⁰

Several notes on the Library of the Royal Empire Society (as it then was) appeared in the *Journal of Comparative Legislation*. One noted the publication of its catalogue and expressed the wish for a union catalogue of all law libraries in London relating to parts of the Empire, one mentioned the holdings of the Library and a third recorded the destruction of its Law section in April 1941²¹. This had been an outstanding collection of Dominion and colonial law, in particular of legislation and law reports. Although the Society hoped to rebuild the collection, this did not happen and the holdings of Commonwealth law of the Institute may, in some sense, be considered as the replacement of the destroyed collection. The destruction of the Society's library of the laws of the Empire may even have been an incentive to the Institute. This is mere speculation, but there were personal links. Howard Drake, the first Secretary and Librarian of the Institute, had been the Deputy Librarian of the Royal Empire Society and Mr. C.E.A. Bedwell was a member of the Library Committees of both institutions.

3. The Atkin Committee

On 4 August 1932, Lord Sankey, the then Lord Chancellor, appointed a Committee, the terms of reference of which were "to consider the organisation of legal education in England with a view to: a) closer co-ordination between the work done by the Universities and the professional bodies; and b) further provision for advanced research in legal studies"²².

The Chairman of the Committee ("Legal Education Committee") was Lord Atkin; its members included inter alia four past Presidents of the Society of Public Teachers of Law:

- Professor H.C. Gutteridge, K.C., Reader in Comparative Law in the University of Cambridge
- Dr. A.E.W. Hazel, K.C., Principal of Jesus College, Oxford (resigned because of ill-health)
- Professor J.D.I. Hughes, Professor of Law in the University of Leeds

- Dr. A.D. McNair, Reader in Public International Law in the University of Cambridge;

others included:

- Sir William Beveridge, Director of the London School of Economics
- Mr. Thomas H. Bischoff, Chairman of the Legal Education Committee of the Law Society
- Mr Leslie de Gruyther, K.C.
- Capt. Ernest Evans, M.P.
- Professor Harold J. Laski, Professor of Political Studies in the University of London
- Sir Henry Richards, Senior Chief Inspector of Schools
- Sir Claud Schuster, Clerk of the Crown in Chancery and Permanent Secretary to the Lord Chancellor
- Mr. Gavin T. Simonds, K.C.
- Mr. T. Howard Wright

The evidence to the Atkin Committee was not printed²³, but its character can be deduced from the Report of the Committee itself, and some light is thrown on it in a paper by Mr. B.A. Wortley: "Some reflections on legal research"²⁴ and in Professor Gower's inaugural lecture¹. The Committee sent a questionnaire to each English University, to the Council of Legal Education and to the Law Society. It contained two questions, the first of which was subdivided. The questions that are relevant were:

- 1(c): what provision is made within the University or its Colleges in the nature of a law library?;
- 1(d): is any provision made by the University or its Colleges for post-graduate research in Law, and is financial assistance given for that purpose either by scholarship or otherwise?

The questionnaire was also sent to the society of Public Teachers of Law, which in reply submitted a Memorandum to the Committee²⁵. On 6 December 1933, Professor de Zulueta and the Honorary

Secretary of the Society supplemented this by oral evidence²⁶.

The Committee notes: "the promotion of legal research and advanced legal studies...was urged upon us by nearly all the academic bodies whose evidence was before us. It was, perhaps, dealt with most fully in a memorandum submitted to us by the Faculty of Law of the University of Cambridge [two members of which, Professor Gutteridge and Dr. McNair, were members of the Committee] under the three main headings of Historical Legal Research, Comparative Legal Research and Clinical Legal Research." By clinical legal research was meant research tending towards law reform, and the Memorandum had proposed the establishment of a Legal Research Council associated with the Lord Chancellor's Department. The Committee noted that the purpose in question was met by the establishment of the Law Revision Committee on 10 January 1934. This need has now been met for a long time by the Law Commissions. The Committee did not deal with historical legal research, the state of which seems to have been considered satisfactory²⁷.

Particular interest attaches to a letter from Professor Gutteridge to Lord Atkin, dated 27 November 1932, and to Lord Atkin's reply, dated 4 December 1932, printed in G. Lewis' biography of Lord Atkin²⁸. This exchange of letters took place after the appointment of the committee. Professor Gutteridge's letter dealt with a variety of matters, but his principal concern was "the almost complete lack of contact between the practitioner and the academic lawyer in England." The other points mentioned were connected with it. At the time of writing, the position is very different and it may be claimed that the Institute of Advanced Legal Studies has made a significant contribution to remedying the state affairs complained of.

The Committee reported in July 1934²². It made two sets of recommendations. Under (A) it recommended the setting up of a Standing Advisory Committee on Legal Education. This was not done until 1972, i.e. after a lapse of thirty-eight years. This first

recommendation was not relevant to the establishment of the Institute of Advanced Legal Studies and will not be discussed in these lines.

The recommendations under (B) which led to the establishment of the Institute of Advanced Legal Studies can only be summarised here, but an attempt will be made to show how and how far they were implemented. An early account of the development and work of the Institute was published by its first Director, Professor D. Hughes Parry²⁹ and a later one by Mr. K. Howard Drake, the then Secretary and Librarian of the Institute, in the Symposium on Law Libraries on 24 September 1964³⁰.

The Committee recommended the establishment of "an institution which would be a headquarters for academic research and would promote the advancement of knowledge of the law in the most general terms" (para. 2). The Institute soon developed into the national centre for academic legal research and, from its inception, has played a prominent part in advancing the knowledge of the law. It has done so by a multiplicity of ever increasing activities. This is not the place to describe them in detail; apart from its library services, the Institute has issued many publications, organised courses, seminars, workshops and study groups such as the inter-disciplinary study groups organised by Sir Norman Anderson, its second Director. It has also established fellowships and organised research projects. Over the years, these activities have become more numerous and more wide-ranging. Special reference might be made to the association of the Institute with the postgraduate law degrees of the University of London, in particular the degree of LL.M.

The Committee envisaged that the Institute would "serve as a centre of study for many of the students who come to this country from our overseas Dominions and Colonies" and "would operate in some degree to embody the ideals of those who have envisaged the establishment in England of an Imperial School of Law." (para. 4). The Institute has always performed this role

envisaged for it, but the students and visitors have not come from Commonwealth countries only but also from many other countries, the largest number of academic visitors from any one country usually being from the United States.

It was intended that the Institute would serve as a clearing house for making available information as to the laws of the British Commonwealth of Nations and of foreign countries (para. 4). The Institute has always served as such a clearing house. All its activities have tended in that direction, but special mention may be made of the formal and informal contacts among the London law teachers and the visitors from jurisdictions outside England and the W.G. Hart (formerly Ford) Workshops. Two of the publications of the Institute should be mentioned in this connection: the List of Official Law Reform Committees³¹ and the Index to Foreign Legal Periodicals which the Institute published in collaboration with the American Association of Law Libraries from 1960 to 1983³².

The proposed Institute would have to be in London and could be either a Senate Institute of the University of London on the model of the Institute of Historical Research or an independent self-governing corporation on the model of the Royal Institute of International Affairs. Experience had shown that the former arrangement would not "prejudice the co-operation either of other Universities or of other bodies", and that the latter would enable the Institute to "to co-operate fully with the University of London and its Schools". The Institute is in London and is a Senate Institute of the University of London (para. 2).

The Committee envisaged that the Institute would have "a building (which need not be large and would naturally be at first of a temporary character)" and "an annual income sufficient to provide an honorarium for a Director, who would himself be a distinguished legal researcher, and a reasonable number of Fellowships and Studentships for other researchers" (para. 3). The first building of the Institute (25 Russell Square, later expanded to include 26 Russell

Square) was indeed considered to be temporary, but served the IALS for twenty-eight years until it could move into the purpose-built Charles Clore House. Experience had shown by then that a large building was needed.

The annual income has always been sufficient for the emoluments of the Director, but it should be noted that the Director's post became a full-time appointment only in 1975. All the Directors have been distinguished scholars.

It was envisaged that the Institute would have a library, "but would render its main service to readers in securing that all other libraries of London were equally available and their contents known to approved readers" (para. 3). From this it would seem that the Committee did not envisage a large library, but rather at most a medium sized library that would act above all as a clearing house for information. As to the first, the Institute built up one of the largest law libraries in the country which is also its leading research law library; as to the second, it has performed the task imposed upon it from the beginning by a publication of union lists of legal literature. These have not been confined to the holdings of libraries in London; some of them have listed the holdings of libraries nationwide, some have been confined to those libraries in London, Oxford and Cambridge. The first of these lists was published as early as 1949³³. The complete catalogue of the library of the Institute was published in 1978³⁴. More will be said about library matters below. The idea of union catalogues was kept alive between the publication of the Atkin Report and the establishment of the Institute. A note on a union catalogue of the holdings of the law libraries in Chicago gave rise to the suggestion that, as a first step, there should be a union catalogue of the libraries of the Inns of Court³⁵ and there is a note by Mr. C.E.A. Bedwell on union catalogues³⁶.

The Committee hoped that "the two legal professions (represented by the four Inns of Court and the Law Society), the Universities and the Government"... would join in giving it financial support and make its

establishment possible" (para. 5). They envisaged that it would, in practice, be governed by a Council or Delegacy representing those different bodies. The financial support by the Government comes as part of its grant to the University of London. The Universities, other than the University of London, have never made any financial contribution and the two legal professions have never contributed to either the capital expenditure of the Institute or to its ordinary recurrent expenditure. In recent years, however, both The Law Society and the Inns of Court have been funding Fellowships.

The recommendations as to libraries form the final part of the Report. The Committee recognised that a large all-embracing central law library would be the ideal but also that the establishment of such a library was not practicable. They, therefore, made two recommendations. The first was "that one of the first steps in promoting legal research should be the formation of a central catalogue of the contents of the London Law Libraries" and "that a special committee be constituted to consider and report upon this proposal" (para. 6). Such a catalogue has never come into existence as envisaged but, as mentioned above, the Institute has published a substantial number of union lists of legal literature.

The second recommendation concerned "co-operation between the libraries, pooling their resources so as to avoid overlapping and repair deficiencies." The Committee thought chiefly of "Dominion and Colonial textbooks and reports and important series connected with foreign law" in respect of which no library could achieve complete coverage. For lack of co-ordination, there were duplicate sets while others were wholly lacking. "It would obviously be of advantage if some measure of agreement could be attained by which the provision of textbooks, statutes and reports of specific colonies could be undertaken by specific libraries, and if the same method could be applied to material for the study of foreign law. We think that such a Committee as we have suggested [ie the committee on the central catalogue] might well undertake this

task; and we recommend that the various library authorities be invited to send representatives to discuss and, if approved, carry out the formation of such a Committee" (para. 7).

For many years, nothing was done on these lines by anybody except the Institute. In 1948, Professor H.F. Jolowicz, who was then the Chairman of its Library Sub-Committee, drew up a scheme for co-operation among the law libraries within the University of London, i.e. for rationalisation of their holdings³⁷. K. Howard Drake, the Secretary and Librarian, carried out the policy adopted. The first discussions with the other institutions within the University of London took place as early as the session 1948-1949³⁸. This co-operation continued to develop, and when the Committee on Library Resources (Humphreys Committee) was set up, it was found that the lawyers had been anticipating its recommendations by many years³⁹. Something like the Committee envisaged by the Atkin Committee came into existence with the setting up of the Law Subject Sub-Committee of the Library Resources Co-ordinating Committee of the University of London, and there is now co-operation and specialisation among the libraries of the Inns of Court.

Professor Laski appended an Addendum to the Report which is described as a "Memorandum on Committee's Report". It is of great interest and, in so far as relevant to the Institute, will be summarised in the same way as the Report itself. Its first half dealt with legal education and was not relevant to the present purpose. In its second half, Professor Laski strongly endorsed the recommendation that an Institute of Advanced Legal Studies be set up. He noted that "adequate encouragement in the field of research" [which he found lacking] "would place British contributions to the study of such subjects as comparative law, legal philosophy, legal history, criminology, upon a level both in range and volume, with the best work now done upon the Continent of Europe and in the United States; and...it would lead to great developments in that approach to the study of law in operation...described as 'clinical

research" (para. 4). He felt that the Inns of Court and the Law Society owed it to the public to promote active and continuous research into these and kindred fields which duty they had failed to discharge.

He hoped that "the creation of an Institute of Advanced Legal Research will be regarded by the professional bodies in the Law as a paramount part of their functions" and that "they will make possible the offer of scholarships to promising students at such an Institute, and also utilise its creation to give university teachers of law an opportunity to devote time to research which might otherwise have to be given to the heavy labours of academic instruction" (para. 5).

He was "anxious that such an Institute...should not be held to require elaborate buildings or administrative apparatus, both of which hinder, rather than help, research" and he hoped that it "should...be used to encourage...increasing contact with legal experience of foreign countries, and especially of the United States of America" (para. 6).

4. From the Atkin Report to the establishment of the Institute of Advanced Legal Studies

The Report of the Atkin Committee gave rise to comment and discussion. Dr. E.C.S. Wade published a short article on "The Legal Education Committee"⁴⁰. He envisaged that "the proposed Institute working in collaboration with the Law Revision Committee should, in a measure, fulfil the functions of the technical staff of a Ministry of Justice by supplying the requisite data for the deliberations of the Committee." This, in an upgraded form, is now done by the Law Commissions.

A paper by Mr. B.A. Wortley "Some reflections on legal research"²⁴ was discussed at the annual meeting of the Society of Public Teachers of Law on 19 July 1935. It dealt mainly with the problems affecting comparative legal research and, in its concluding part, examined the proposal of the Atkin Committee for compiling a central

catalogue of the London law libraries. Mr. Wortley suggested that a small central office be set up which would not be a library, but would prepare and keep up-to-date the materials available in English, colonial and foreign law. This could not have meant that the office would handle and process the materials themselves. The following remarks made clear that a catalogue was intended in the first place.

Mr. Wortley envisaged further that the central office might vet the readers who wished to consult the materials catalogued and would obtain all necessary permissions. He proposed that the office might keep lists of research work being done in British and continental universities and act as a clearing-house for information on legal research. In 1934, the Society of Public Teachers of Law appointed a Sub-committee to consider the collection and publication of information about current research. Its members were Professor Jolowicz, Professor Winfield and the Hon. Secretary of the Society. The Sub-committee recommended

- 1) That an enquiry be addressed through the Heads of Law Department's to all University Librarians, asking for information regarding unpublished theses deposited in University Libraries which have been accepted for higher degrees in Law, or other unpublished theses on Economics or History or Political Science with a legal bearing;
- 2) that a circular letter be sent annually to members of the Society asking for information as to new research which is being carried out under their supervision⁴¹.

Mr. Wortley undertook the task of collating the information received. He kept such lists for the Society from 1938 until 1948 when he deposited his records with the Institute. The Institute began collecting information about current and completed research in session 1948-1949. It began issuing lists of current research annually in session 1952-1953⁴² ⁴³ and has published three lists of completed

research, the last and cumulative one in 1985⁴⁴.

Mr. Wortley finally hoped that the premises of the office might serve as a meeting place for comparative lawyers and that it might publish an annual survey of the laws of the Empire. A survey of the law of the Empire analogous to the Annual Survey of English Law, published by the London School of Economics was also advocated by C.E.A. Bedwell⁴⁵. Such a survey was published for many years by the British Institute of International and Comparative Law⁴⁶.

A detailed critique of the work and Report of the Atkin Committee is to be found in Professor Gower's inaugural lecture⁴⁷. The recommendation concerning the Institute of Legal Research was welcomed by the Society of Comparative Legislation⁴⁸. The note also advocates a union catalogue. The Senate of the University of London recorded their approval of the recommendations of the Atkin Committee and recorded their readiness to assist with their implementation. It is recorded also that the Board of Studies in Laws considered the establishment, in association with the University, of an Institute such as that recommended by the Atkin Committee as eventually necessary⁴⁹.

Reference has been made to the accounts of the Institute by D. Hughes Parry²⁹ and K. Howard Drake³⁰. It is worth mentioning in this connection that the Institute was commended in the Memorandum submitted to the Robbins Committee on Higher Education by the Society of Public Teachers of Law, para. 10.6⁵⁰ and in the Memorandum submitted by the Society to the Committee on Social Studies, general part, para. 5⁵¹.

An article by Professor Gutteridge, on "Comparative law as a factor in English legal education"⁵² was written in the light of the Report of the Atkin Committee. Its section on "The Materials for Comparative Study", pp. 132-137, described the most important literature needed for the study of foreign legal systems and analyzed the inadequacy of library provision in respect of them. Professor Gutteridge urged that the

recommendations of the Atkin Committee as to a central catalogue (he recommended the extension of its coverage to Oxford and Cambridge) and as to the co-operation between law libraries be implemented. On pp. 135-137, he outlined the considerations that should govern the development of collections of foreign legal literature, with reference to the establishment of an Institute of Legal Research, should it come into being.

In the course of the academic year 1936-1937, the Society of Public Teachers of Law appointed Professors Gutteridge and Lee, Mr. Wortley and the President ex officio to be a standing committee on comparative law for the following purposes:

1. To report to the Society on:
 - a) Legal developments and movements in other countries which are of interest to members of the Society;
 - b) the position of Comparative Studies in the Universities.
2. To supply information to members with regard to:
 - a) The location of foreign law books in English libraries;
 - b) the bibliography and sources of foreign law.
3. To act as a liaison body between the Society and academic circles in other countries.
4. To organise meetings for the discussion of topics of Comparative law⁵³.

The report of the Committee was adopted at the annual meeting of the Society in 1939⁵⁴.

The government did nothing to implement the recommendations of the Atkin Committee until 1938, but on 7 December 1935, the Society of Public Teachers of Law appointed a sub-committee consisting of Professor Lee, Professor Jolowicz and Dr. Radcliffe, to discuss the matter of the

projected Institute of Legal Research with Lord Macmillan. As a result of this discussion, a letter was sent to the Lord Chancellor on 1 May 1936, urging him to appoint a small committee to make suggestions for the realisation of the relevant recommendations of the Atkin Committee. The letter referred to special representation of the University of London.

The reasons adduced were:

1. The rapid development of the University of London.
2. The example of the Institute of Historical Research and of the Royal Institute of International Affairs.
3. The movement towards law reform.
4. The interest in the project in the Dominions, India and the Colonies.
5. The interest in English law abroad⁵⁵.

In the course of the academic year 1936-37, the Society appointed a sub-committee on the subject of the Institute of Legal Research. Its members were Professors Gutteridge, Jolowicz, Lee and McNair and Dr. Jennings with the President and Hon. Secretary ex officio⁵⁶.

In May 1938, Lord Maugham, the then Lord Chancellor, appointed a Committee "to take into consideration Part B of the Report of the Committee on Legal Education appointed by the Lord Chancellor on 4 August 1932 (1934, Cmd. 4663); to advise as to the best practicable means of carrying into effect the recommendations therein contained with regard to the establishment in London of an Institute for the promotion of advanced studies in the history and principles of law; to frame a constitution for such an Institute; and to report."

Lord Macmillan, a Lord of Appeal in Ordinary, was appointed Chairman. The other members were:

- Mr. Justice Farwell
- Professor H.C. Gutteridge
- Professor R.W. Lee

- Professor H.F. Jolowicz
- Dr. G.R.Y. Radcliffe
- Professor C.E. Smalley-Baker

all of whom were Honorary members or members of the Society of Public Teachers of Law⁵⁷.

The Senate of the University of London noted in June 1938 that the Macmillan Committee had been appointed and that a letter from that Committee dated 16 June 1938 had been received⁵⁷. The letter, which seems to have been sent to all universities, stated that the Committee owed its inception largely to the Society of Public Teachers of Law and that success in the enterprise must depend on the co-operation of universities and law schools. It contained a questionnaire which, somewhat shortened, asked:

- a) to what extent would your students wish to pursue advanced studies after leaving?
- b) what provision should the proposed Institute make?
- c) suggestions for the constitution of the Institute;
- d) do you make provision for postgraduate study?
- e) do you provide scholarships or studentships for advanced legal studies? would they be available at the Institute?
- f) are you prepared to contribute financially in return for participation by your students in the facilities of the Institute?

The reply of the University of London was very detailed; it dealt with the library functions, the research functions and the teaching functions of the proposed Institute and answered the questions asked in considerable detail. It stated in particular that the University of London "would welcome the association of the proposed Institute with the University...in one of a number of forms". No decision would be taken as to a financial contribution until the constitution of the Institute was settled, but if the proposed Institute were to be associated with the University, "most

sympathetic consideration" would be given to the question of funding⁵⁸.

Considerable progress was made but the proceedings of the Macmillan Committee were suspended in February 1940. On 15 May 1947, the Attorney-General, in a written answer to a question by Mr. Palmer, stated that "the Committee has not reported...and has not yet resumed operations...the time is inappropriate for the resumption of the Committee's operations or the setting up of an Institute of Advanced Legal Studies"⁵⁹. He was unaware of the fact that by then the Institute had been established⁶⁰. The Macmillan Committee was discharged in 1948, its purpose having been accomplished⁶¹.

In 1943, the University Grants Committee requested the University of London to submit a statement of its post-war policy⁶². The Board of Studies in Laws of the University recommended on 23 March 1944 that an Institute of Advanced Legal Studies be set up as a central activity of the University on the lines of the Institute of Historical Research. It recommended that it be staffed by a Director, Secretary, Librarian and not more than two clerks. It estimated that a non-recurrent grant of £5000 would be needed for the Library and a recurrent grant of £4000 per annum if the Director were not a full-time officer. It suggested that the Institute would be the proper place for a central library⁶³. The recommendation was included in the Memorandum of the University to the University Grants Committee on Post-war problems and finance⁶⁴. In the academic year 1944-1945, a report by the Academic Council that a beginning should be made with setting up the Institute was approved⁶⁵.

The Institute was established formally from 1 October 1946 as a Senate Institute of the University of London⁶⁰. Its scheme of management was approved on 20 November 1946⁶⁶. It was funded by the University Grants Committee as a part of the University of London. The estimates of the University included it for the first time in those for the session 1946-1947 on 27 March 1946 "on the assumption that it is set up and active at the

beginning of the session"⁶⁷. The driving force behind the establishment of the Institute seems to have been Professor D. Hughes Parry. He was supported by his colleagues, among whom Professor Glanville Williams may be specially mentioned.

As was the case with Senate Institutes until recently, its activities were directed by a Committee of Management appointed by the Senate of the University, first constituted for the remainder of session 1946-47⁶⁸. Its first Chairman was Lord Macmillan. The other original members, in addition to the Professors of Law in the University of London and other representatives of the University, were Professors A.L. Goodhart and H.A. Hollond. They were soon joined by Lord du Parcq, Mr. R.E. Megarry and Professor B.A. Wortley⁶⁹. The Committee of Management was supported by the General Purposes Sub-Committee and by the Library Sub-Committee of the Institute. The appointment of Professor (afterwards Sir David) Hughes Parry, Head of the Law Department at the London School of Economics and Political Science and at that time Vice-Chancellor of the University, as part-time Director was approved by the Senate of the University from 1 December 1947⁷⁰. Mr. K. Howard Drake, Deputy Librarian at the Royal Empire Society (afterwards Royal Commonwealth Society) was appointed Secretary and Librarian from 1 October 1947⁷¹.

The Institute was at first without a home, but the University put No 25, Russell Square at its disposal⁷². In the Spring of 1948, probably in May, it could move into the building the war damage to which had by then been repaired⁷³. To help it on its way, it received a grant of £10,000 from the Nuffield Foundation for building up its collection of the legal literature of the countries of the Commonwealth.⁷⁴ It was also given a large collection of law books of various kinds which had been left to the University - jointly with the Middle Temple which gave up its interest - by the late Dr. Charles Huberich, an American lawyer who had resided and practised in Europe.⁷⁵ The Institute building was opened by the Lord Chancellor on 11 June 1948.⁷⁶

ADDITIONAL DETAILS OF SOME PERSONS MENTIONED IN THE TEXT

- Atkin, J R, Lord Atkin, Lord of Appeal in Ordinary
 Bedwell, C E A, Librarian of the Middle Temple Library, Hon. Secretary of the society of Comparative Legislation
 Beveridge, Sir William, afterwards Lord Beveridge
 De Montmorency, J E G, Quain Professor of Comparative Law, University of London
 De Zulueta, F, Regius Professor of Civil Law, University of Oxford
 Du Parcq, H, Lord Du Parcq, Lord of Appeal in Ordinary
 Goodhart, A L, Professor of Jurisprudence and Master of University College, University of Oxford
 Goudy, H, Regius Professor of Civil Law, University of Oxford
 Gower, L C B, Sir Ernest Cassel Professor of Commercial Law, University of London, afterwards Law Commissioner and Vice-Chancellor, University of Southampton
 Gutteridge, H C, Sir Ernest Cassel Professor of Commercial and Industrial Law, University of London, afterwards Professor of Comparative Law, University of Cambridge
 Hollond, H A, Rouse Ball Professor of English Law, University of Cambridge
 Jennings, Sir W. Ivor, Downing Professor of the Laws of England and Master of Trinity Hall, University of Cambridge
 Jolowicz, H F, Professor of Roman Law, University of London, afterwards Regius Professor of Civil Law, University of Oxford
 Langdon, A M, Director of Legal Studies and Head of the Inns of Court School of Law
 Macmillan, H P, Lord Macmillan, Lord of Appeal in Ordinary
 McNair, A D, Lord McNair, Whewell Professor of International Law, University of Cambridge, afterwards Vice-Chancellor, University of Liverpool and Judge and President of the International Court of Justice
 Megarry, Sir Robert, Vice-Chancellor of the Chancery Division of the High Court of Justice
 Parry, Sir David Hughes, Professor of English Law, Vice-Chancellor and first Director of the Institute of Advanced Legal Studies, University of London
 Radcliffe, G R Y, Principal of the Law Society's School of Law and Bursar of New College, University of Oxford
 Romer, M L, Lord Romer, Lord of Appeal in Ordinary
 Simonds, G T, Lord Simonds, Lord of Appeal in Ordinary and Lord Chancellor
 Smalley-Baker, E C, Dean of the Faculty of Law, University of Birmingham, afterwards Dean of Osgoode Hall Law School, Toronto
 Smith, H A, Professor Jurisprudence and Common Law, McGill University, Montreal
 Wade, E C S, Downing Professor of the Laws of England, University of Cambridge
 Webb, Sidney, Lord Passfield
 Winfield, Sir Percy, Rouse Ball Professor of english Law, University of Cambridge
 Williams, Glanville, Professor of Public Law and Quain Professor of Jurisprudence, University of London, afterwards Rouse Ball Professor of English Law, University of Cambridge
 Wortley, B A, Professor of Jurisprudence and International Law, University of Manchester

FOOTNOTES:

1. Gower, L.C.B.: "English legal training: a critical survey" (13 M.L.R. (1950) 137-205 at pp. 139-148).
2. Cmnd. 4595, 1971, paras. 7-44, pp. 3-20.
3. O'Brien, R.B.: *The life of Lord Russell of Killowen*; 3rd impression (2nd ed.). London, Smith Elder, 1902, pp. 275-278.
4. Macmillan, H.P., *Lord Macmillan: A man of law's tale: the reminiscences of the Rt. Hon. Lord Macmillan*, London, Macmillan, 1952, p. 216.

5. J. Comp. Leg., vol. 2 (n.s.) (1900), p. 180.
6. J. Comp. Leg., vol. 8 (n.s.) (1907), pp. 469-470; vol. 2 (3rd s.) (1920), pp. 149-150.
7. J. Comp. Leg., vol. 9 (n.s.) (1908-9), pp. 21-22; vol. 9 (3rd s.) (1927), pp. 365-366; vol. 10 (3rd s.) (1928) pp. 320-321; vol. 20 (3rd s.) (1938), pp. 122-123; vol. 24 (3rd s.) (1942), pp. 71-72.
8. Jenks, E.: "Imperial Education" (J. Comp. Leg., vol. 17 (n.s.) (1917), pp. 67-75 at p.75).
9. (1926) J.S.P.T.L. 31.
10. Bedwell, C.E.A.: "Imperial unity and legal research" (J.Comp.Leg., vol.2 (3rd s.) (1920), pp. 144-152).
11. Crane, N.: "Library administration in the United States and England" (J. Comp. Leg., vol. 2 (3rd s.) (1920), pp. 159-160).
12. Gutteridge, H.C.: "The study of comparative law in France and England" (J. Comp. Leg., vol. 4 (3rd s.) (1922), pp. 84-88).
13. De Montmorency, J.E.G.: "An Imperial School of Law" (Contemporary Review, Nov. 1923, pp. 661-664).
14. 42 L.Q.R. (1926) 436-438.
15. Smith, H.A.: "An Imperial School of Law" ((1927) J.S.P.T.L., 12-18)
16. (1927) J.S.P.T.L. 67; The Times, 3 February, 1927; Gower, op. cit., p. 145.
17. Gutteridge, H.C.: "Advanced legal studies" ((1929) J.S.P.T.L. 1-9).
18. Gutteridge, H.C.: "The value of comparative law" ((1931) J.S.P.T.L. 27-31).
19. (1229) J.S.P.T.L. 8.
20. Gardner, J.C.: "The study of comparative law in Great Britain" (J.Comp.Leg., vol 14 (3rd s.) (1932), pp. 201-206).
21. J. Comp. Leg., vol. 12 (3rd s.) (1930), p. 307; vol. 15 (3rd s.) (1933), p. 128; vol. 23 (3rd s.) (1941), p. 195.
22. Report of the Legal Education Committee; Cmd. 4663, 1934.
23. Gower, op. cit., p. 147.
24. Wortley, B.A.: "Some reflections on legal research" ((1935) J. S.P.T.L. 52-57).
25. (1933) J.S.P.T.L. 50.
26. (1934) J.S.P.T.L. 60.
27. Wortley, op. cit., p. 53.
28. Lewis, G.: Lord Atkin. London, Butterworths, 1983, pp. 225-228.
29. Parry, D. Hughes: "The Institute of Advanced Legal Studies" (J.S.P.T.L., vol. 1 (n.s.) (1947-1951), pp. 183-188).
30. Drake, K. H: "Law Libraries" (J.S.P.T.L., vol. 8 (n.s) (1964-1965), pp. 71-88, on pp.77-79).

31. List of official committees, commissions and other bodies concerned with the reform of the law. London, Institute of Advanced Legal Studies 1971-.
32. Index to foreign legal periodicals. London, Institute of Advanced Legal Studies, 1960-1983.
33. A survey of legal periodicals held in British Libraries. (Institute of Advanced Legal Studies. Publications. No. 1). London, IALS, 1949.
34. Catalogue of the Library of the Institute of Advanced Legal Studies, University of London. Boston, Mass., G. K. Hall, 1978; 6 vols.
35. *J. Comp. Leg.*, vol. 22 (3rd s.) (1940), pp. 230-231.
36. Bedwell, C.E.A.: "Union catalogues" (*J. Comp. Leg.*, vol. 25 (3rd s.) (1943), p. 83)
37. Drake, *op. cit.*, p. 77.
38. I.A.L.S. Annual report, 1948-1949, p.10.
39. University of London. Report of the Committee on Library Resources, 1971, paras. 192-193, p. 61; App. I, paras. 29-30, pp. 159-160.
40. Wade, E.C.S.: "The Legal Education Committee" ((1934) *J.S.P.T.L.* 30-31)).
41. (1935) *J.S.P.T.L.* 85-86.
42. (1938) *J.S.P.T.L.* 67-68; I.A.L.S. Annual report, 1948-1949, pp. 5-6; 1949-1950, p. 7; 1952-1953, p. 6.
43. List of current legal research topics: being topics forming the subject of research by students for degrees in Universities and Polytechnics in the United Kingdom. London, Institute of Advanced Legal Studies, 1953-.
44. Legal research in the United Kingdom: a classified list of legal theses and dissertations successfully completed for postgraduate degrees awarded by universities and polytechnics in the United Kingdom from 1905-1984. London, Institute of Advanced Legal Studies, 1985.
45. *J. Comp. Leg.*, vol. 17 (3rd s.) (1935), p. 128.
46. Annual survey of Commonwealth law, 1965-1976. London, Butterworths; Oxford, Clarendon Press, 1966-1978.
47. Gower, *op. cit.*, pp. 146-148.
48. *J. Comp. Leg.*, vol. 16 (3rd s.) (1934), p. 308.
49. Univ. Lond., Senate minutes, 1934-1935: 988-989: 1076-1077. (19.12.1934)
50. *J.S.P.T.L.*, vol. 7 (n.s.) (1962-1963), pp. 117-118.
51. *J.S.P.T.L.*, vol. 8 (n.s.) (1964-1965), p. 132.
52. Gutteridge, H.C.: "Comparative law as a factor in English legal education" (*J. Comp. Leg.*, vol. 23 (3rd s.) (1941), pp. 130-144).
53. (1937) *J.S.P.T.L.* 80.
54. *J. Comp. Leg.*, vol. 22 (3rd s.) (1940), pp. 74-76..

55. (1936) J.S.P.T.L. 58-59.
56. (1937) J.S.P.T.L. 80; 87.
57. Univ. Lond., S.M 1937-1938: 3218-9 (22.6.1938); (1938) J.S.P.T.L. 67; Macmillan, *op. cit.*, pp. 217-218.
58. Univ. Lond., S.M. 1938-1939: 189-191; 440 (19.10.1938).
59. House of Commons Debates, 1946-1947, vol. 437 (written answers), cols. 189-190.
60. Univ. Lond., S.M. 1946-1947: 3183. (21.5.1947).
61. Macmillan, *op. cit.*, p. 218.
62. Macmillan, *op. cit.*, pp. 217-218.
63. Univ. Lond., S.M. 1943-1944: 2527-2529 (21.6.1944).
64. Univ. Lond., S.M. 1943-1944: 3210 (21.6.1944).
65. Univ. Lond., S.M. 1944-1945: 1761 (23.5.1945).
66. Univ. Lond., S.M. 1946-1947: 883-884; 1020 (20.11.1946).
67. Univ. Lond., S.M. 1945-1946: 1882-1883; 1889 (27.3.1946); 3493-3496 (24.7.1946); 1946-1947: 2127-2128 (26.2.1947); 3183 (21.5.1947).
68. Univ. Lond. S.M. 1946-1947: 3184 (21.5.1947); 3802-3804; 4047 (25.6.1947).
69. Institute of Advanced Legal Studies. Annual reports; 1947-1948 and 1948-1949, *passim*.
70. Univ. Lond., S.M. 1947-1948: 1329-1332 (17.12.1947); IALS Annual report, 1947-1948, p.5.
71. Univ. Lond., S.M. 1947-1948: 45-47 (22.10.1947); IALS Annual report, 1947-1948, p. 5.
72. Univ. Lond., S. M. 1945-1946: 3493-3494 (24.7.1946); 1946-1947, 674 (23.10.1946)
73. I.A.L.S. Annual Report, 1947-1948, p. 5.
74. Univ. Lond., S.M. 1947-1948: 22 (22.10.1947).
75. Univ. Lond., S.M. 1946-1947: 659 (23.10.1946).
76. I.A.L.S. Annual Report, 1947-1948, p. 4; Macmillan, *op. cit.*, p. 218.