

FOREWORD

by

Professor the Hon Lady Wolffe QC

“Theory without practice is empty; Practice without theory is blind.”

-Harold Anthony Lloyd

It is my very great pleasure to welcome the publication of the fifth volume of the Strathclyde Law Review.

Within its pages, the fortunate reader will find a volume rich in the variety of subjects addressed, and in the internationalism of its contributors. The authors come from, or have academic links to, Scotland, England, the United States, the Netherlands, Austria, Turkey, Nigeria, Pakistan, Hong Kong and Indonesia. It is not surprising that, collectively, there is a cornucopia of fascinating topics among the papers in this latest volume.

Those interested in public law and human rights will find a consideration of some of the interpretative techniques used in defining the scope of freedom of expression and of religion under Articles 9 and 10 of the European Convention of Human Rights (“the Convention”), as well as an address to the Scottish Government proposing how it might establish a post-pandemic inquiry that is compliant with rights under Article 2 of the Convention.

There are papers on the important and timely public international topics arising from the impact of the Covid-19 pandemic on the right of non-refoulement enshrined in Article 33(1) of the Refugee Convention and a consideration of whether the ‘right to protect’ is an exception to the prohibition of the use of force under customary international law. Other papers focus on specific institutions in the public international sphere, namely, a critical analysis of the work of the International Criminal Tribunal (among others) in respect of war rape, and an examination of the authority of the WTO as an appellate body.

Corporate and commercial law readers are well-catered for, too, in the form of papers considering sustainable corporate governance in the United Kingdom; addressing the practicalities of enabling shareholders to exert influence on directors’ remuneration (“say-on-pay”) as provided for under regulatory provisions and codes in Anglo-American jurisdictions; and an in-depth case-study on the reception into Scotland of an English case vouching the retrospective effect of ratification in agency law and a comparative review of the discussion on this point by two of Scotland’s Institutional writers, Erskine and Bell.

Varied though these contributions are, each avoids the pitfall of ‘practice without theory’ or ‘theory without practice’ (against which Anthony Harold Lloyd warned). Rather, each brings a welcome balance of critical intellectual analysis and real-world application and import. In doing so, the authors are worthy exemplars of the University of Strathclyde’s abiding ethos of promoting useful learning.

I am therefore immensely honoured to be asked to associate myself with this volume and to write its preface. I whole-heartedly commend this volume to you.

Sarah P.L. Wolffe

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