

British Academy **REVIEW**

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A compassionate transition to sustainability

Featured

James Raven
on the business
of books

**Sarah
Worthington** on
law in business

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British Academy REVIEW

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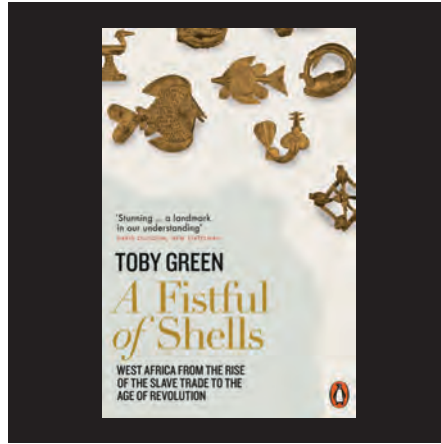
Academy news



The British Academy appoints new Chief Executive, Hetan Shah

The Academy has appointed a new Chief Executive, as it embarks on a programme to enhance its headquarters and programmes for academics, policy-makers and the public. Hetan Shah, who has led the Royal Statistical Society for the last eight years, will take up the role in February 2020.

President of the British Academy, Professor Sir David Cannadine, said that Shah 'believes in the transformative power of the humanities and social sciences, and will ensure that these subjects take centre stage as societies the world over face up to the greatest challenges of our time.'



Winner of the British Academy's 2019 Nayef Al-Rodhan Prize announced

A Fistful of Shells: West Africa from the Rise of the Slave Trade to the Age of Revolution, by Dr Toby Green, has won the seventh Nayef Al-Rodhan Prize for Global Cultural Understanding. The announcement was made at a ceremony at the end of October.

Green draws on oral histories, maps, letters, artefacts, and his own experience of collecting material across eight states, to tell the history of West Africa in a new light, dispelling the long-held perception that its history only began with the arrival of Europeans in the 18th and 19th centuries.



Childhood policy in the UK: 'fragmented, inconsistent and uneven'

In November 2019, the British Academy published work from the first phase of a project looking at childhood policy in the United Kingdom, with a view to opening a conversation on this all-too-often neglected area of public policy.

Baroness (Ruth) Lister FBA, chair of the project's steering group, said: 'Over the last 150 years, the experience of being a child has changed hugely, and the laws and policies that specifically affect children have also undergone dramatic changes – all driven by different values, agendas and priorities. The result is a collection of fragmented, inconsistent and uneven policies that produce wildly different outcomes for children depending on their location and background.'

Discover more at
thebritishacademy.ac.uk/news

Discover more at
thebritishacademy.ac.uk/nayef-al-rodhan-prize

Discover more at
thebritishacademy.ac.uk/childhood



The British Academy proposes principles for an age of purposeful business

At a launch in November 2019 attended by business leaders, academics and the media, the Academy published *The Principles of Purposeful Business*, outlining the principles needed to put social purpose at the heart of corporate capitalism. As a part of its 'Future of the Corporation' programme, it proposed that 'the purpose of business is to profitably solve problems of people and planet, and not profit from causing problems.'

The eight principles set out a basis for business to operate with purpose through law, regulation, ownership, governance, measurement, performance, finance and investment. The report represents a synthesis of the research and engagement activities of the programme over two years, including four new research papers in 2019 and a recently concluded series of 15 roundtables that brought together experts, business leaders, policy-makers and civil society to examine the proposals. The Future of the Corporation programme continues in 2020, through a series of major events aiming to stimulate a public debate on purposeful business.

Discover more at

thebritishacademy.ac.uk/future-corporation



The British Academy publishes a manifesto for the humanities and social sciences

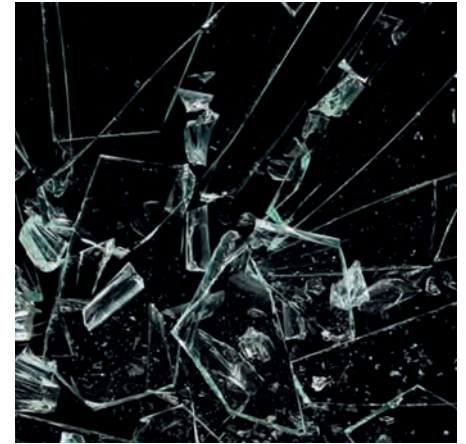
Ahead of the General Election in December 2019, the British Academy published a manifesto for the humanities and social sciences, which set out the ways in which a new government can harness the vast potential of the humanities and social sciences, and ensure the UK maintains its global reputation for excellence in these disciplines.

The British Academy wants the new government to:

- Speak up for the humanities and social sciences
- Bolster our relationship with Europe and the rest of the world
- Foster the right research environment
- Attract and retain global talent
- Support a sustainable higher education system
- Build a broad and balanced curriculum for everyone.

Discover more at

thebritishacademy.ac.uk/manifesto



The British Academy and the Wolfson Foundation announce new Fellowships

In October 2019, British Academy/Wolfson Fellowships were awarded to six talented early-career researchers. These fellowships have been made possible thanks to a generous £10 million donation from the Wolfson Foundation, the largest ever single grant awarded in the humanities and social sciences by the Foundation.

The awards provide researchers with time away from some of their administration and teaching duties so that they can pursue outstanding research, along with funding for public engagement and travel, to ensure their work reaches a global audience.

The projects that will be undertaken during these Fellowships include studies on domestic violence, and crimes against older people.

Discover more at

thebritishacademy.ac.uk/news

**Understanding
the**

**big
challenges**

A compassionate transition to sustainability

Tim O’Riordan and his colleagues in the Learned Society of Wales present the case for a much more compassionate approach in the transitions to a sustainable society co-operating with a resilient Planet Earth

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Tim O’Riordan is Emeritus Professor, School of Environmental Sciences, at the University of East Anglia. He was elected a Fellow of the British Academy in 1999.

Perspective

A very visible pathway to sustainability is the rocky road to ‘net zero’ emissions of all greenhouse gases. These are the collection of human-created emissions which collectively heat the lower planetary atmosphere, leading to what is broadly regarded as climate change. In 2015, all the world’s governments signed the historic Paris Agreement. This committed all nations to pursue their highest possible ambition, by collectively limiting the overall increase in the global average temperatures to well below 2°C above pre-industrial levels, and to pursue efforts to limit the temperature increase to 1.5 °C, recognising that this would significantly reduce the risks and impacts of climate change. Net zero has an even more demanding purpose. This is to remove all avoidable greenhouse gas emissions, and to create natural ‘carbon sinks’ of soils, plants and oceans to remove any residual emissions which remain in the inventory.

In the wake of the Paris Agreement, the UK Committee on Climate Change, which has a statutory duty to advise the UK gov-

ernment on how to meet this outcome, pressed for the net zero goal by 2050. Subsequently, the governments of England and Wales have endorsed this path, while Scotland plans to reach net zero by 2045. In one of her last acts of office, former Prime Minister Theresa May said that it was a ‘moral duty to leave this world in a better condition than what we inherited’. In effect net zero is now national policy set in a moral and social justice context.

Two prominent social movements known as the Extinction Rebellion and Fridays for Future (formerly known as the Students’ Strike) have activated public protests and resistance demonstrations to speed up the overall transition to sustainability and to achieve net zero before 2030. This date is very symbolic, as it marks the completion of the planet-wide endorsement of UN sustainable development goals, and the emergence of a global human rights endeavour that seeks to ensure that ‘no one will be left behind’, and that ‘the furthest behind’ will be reached first.

A survey of 1000 citizens commissioned by the non-governmental organisation Hope Not Hate, published in September 2019 in the UK, Canada, Germany, Italy, Brazil, France, Poland and the US, found that over three-quarters feel that the world is facing a climate emergency of extreme risk and high danger. The widely condemned encouragement of forest fires in the Amazon rainforest by the government of Brazil showed the enormous public resentment of failing politicians, who the survey found are universally regarded as being in the pockets of the fossil fuel, military and money lobbies. A more encouraging report by the Global Adaptation Commission calls for a decade of commitment to widespread adaptation planning and financing that will buttress the UN journey.

This article explores the extremely challenging processes of seeking net zero through a path leading to full sustainability. It examines how such a tortuous process of transition can embrace challenging features of compassion, of decency of treatment for all those affected, and of ensuring the long-term well-being of the human race. These pathways in turn must pay attention to enhancing the health and resilience of the vital planetary ecosystems which retain life on this unique globe. What is new here is the dawning realisation that arriving at net zero will alter substantially the jobs and livelihoods of many millions whose current prosperity and manner of living depend upon and create greenhouse gas emissions. To enable them to transfer to a sustainable society will require an extraordinary journey supported by compassion, empathy and well-being.

The compassionate transition

The Learned Society of Wales, in its third International Symposium organised in co-operation with the British Academy, looked at the mechanisms for interpreting the ethics of sustainable prosperity, drawing on the principles that underpin both The Well-being of Future Generations (Wales) Act 2015, and the United Nations' Sustainable Development Goals (SDGs).

The global 'commons' – conceived of as both a set of restorative processes and as a metaphor for collective human decency – are being progressively dismantled, leading to inequality, injustice, discrimination, ecocide, and the loss of well-being for increasing numbers of present

and future generations. The moral role of humanism is in severe danger of being dismembered, enabling many individuals and inflexible institutionalised mind-sets to override any vestiges of personal responsibility for restraint. This hampers attempts to find collective solutions to the plight of the marginalised poor, notably women, children and ethnic minorities, both in developing countries and in rich nations.

Maintaining well-being and dignity at the community scale requires us to devise a common moral framework, from the local through to the global, even to the cosmic. We need to recognise our common humanity – *adnabod* in Welsh (recognise = know (someone)). Our localism and universalism require re-connecting, seeing the stranger as a neighbour in a true humanism. These sentiments embrace the notion of *compassion*, the kindness of self-aware generosity and the sympathetic joy of acting morally for the benefit of all. Compassion is linked to deep psychological feelings, and embraces attributes such as sympathy, care for well-being, empathy, sensitivity for others' distress and need, and mindful acceptance of the unattainability of the ideal. Acting compassionately reveals the need for interconnecting people and planet, and for unifying gainers and losers in a common

morality.

Equality does not mean equalising. It applies to enabling, to respecting, to creating realistic opportunities for all, and to offering compensatory outcomes to the many who will otherwise surely lose out in the transformative paths to sustainability. There are four concepts of equality – *distributive* (access to resources); *contributive* (ability for fulfilment); *restorative* (rectifying past wrongs); and *epistemic* (recognising different forms of knowledge/having voice with power). These point to the need for a plural approach, interdisciplinary in assessment, creative in delivering institutions, and responsive to public debate. The question is how to move from these broad notions of justice to addressing the perverse power relations that generate inequality. This in turn requires recognition of longstanding north-south imbalances, rooted in the history of colonialism and neo-colonialism that underlie differing dialogues and attitudes to sustainability and climate change responsive action.

Society is only just beginning to pay attention to what is being termed the 'just transition'. They see this as the fusion of *developmental processes* – which encourage natural resources management and urbanisation, but with established political and economic institutional drivers –



The Extinction Rebellion protest in Trafalgar Square, October 2019.

with the *sustainability transition* – which purports to create ‘green economies’ and to improve social justice. Here we take the notion of ‘just’ into the deeper framework of ‘compassion’.

Exploring the just transition

There is as yet only limited assessment of the scale of social and economic dislocation and reconstruction needed to bring the world to carbon neutrality in the space of one generation. There is incomplete analysis of even the most clear-cut examples of this process, such as the ‘removal’ of some 7 million existing coal mining jobs if all new coal production is to be progressively curtailed by 2025. The International Energy Agency in its 2019 world energy outlook emphasises the long life of many new and soon-to-be-built coal-fired electricity stations which will result in almost no overall CO₂ reduction before 2040. There is a connection here to the emergence of nationalistic ‘populisms’ which are becoming notably resistant political impediments to the formation of any global low carbon ethical case.

In West Virginia, for example, some 50,000 coal mining jobs have disappeared since 1983. Almost all of these have been on account of changes in coal quality, mining techniques, and competitive forms of new energy sources, such as shale gas from fracking and solar panels. Nevertheless, removal of coal as a big carbon emitter is playing an increasingly prominent role. The consequences for long-established coal-based communities are devastating, as pensions fall, older workers are laid off, and tax receipts atrophy. Here is one heartland for nationalist politics. Fresh jobs in renewables technologies and biogas creation are steadily becoming available. These attract the younger residents whose adaptability to training and to job mobility is vital. Yet such disruption in local economies and social relations is dramatic and painful. There is neither painless nor hurried transition. The savage politics of resistance is never far away. Compassion is not yet a clarion call.

In South Africa some 200,000 miners provide vital economic succour to their families and considerable economic propulsion for their regions. Some 10,000 coal miners have already lost their coal mining jobs in Mpumalanga in the heart of the coal mining region of South Africa. Another 77,000 are vulnerable, as South African electricity companies shift to re-

newable sources of power for both economic and environmental reasons. These are better paid workers with little educational qualifications, so are not easily or expeditiously transferred to ‘greener’ jobs. The just transition doesn’t mean ignoring the cost of pollution to protect existing jobs. But the pain can’t be systematically pushed onto people who already have very little to lose.

The South African case brings into focus the changing relationships between national and global well-being. The income and the economic propulsion of coal production surely contributes to the prosperity of local communities. Yet the prolongation of coal production results in all manner of climate-change-related perils for these same coal mining communities who face a current pernicious choice between jobs and eventual environmental and economic hardship. The impact of the additional global climate change resulting from continued local coal production is ethically very different from the dislocation of local prosperity caused by prematurely shutting down coal mines.

The World Coal Association calls for more participatory and inclusive procedures to identify those whose coal dependent livelihoods can be transformed with sensitivity and care. Any sudden removal of this labour force would surely result in considerable social and economic hardship, contrary to the ethics of sustainable prosperity for all. In 2018, Germany established a Commission on Growth, Structural Change and Employment, popularly referred to as the Clean Coal Commission. It represents a wide range of interested parties, including young people, but is spearheaded by the trades unions. Its work is bedevilled by devastating complexity, much internal dispute, ambiguity of recommendations, and sluggish phase-out of German coal and lignite production compared to the German commitment to the Paris Agreement. The German experience here is revealing how any just transition is proving painfully tortuous, and some distance away from incorporating compassion.

Another emerging example of this dilemma is the recent announcement by General Motors to close seven plants from its world-wide portfolio over the coming year. One of a number of reasons for this is the forthcoming shift to production of all-electric vehicles and plug-in hybrid cars, as well as self-driving vehicles. This will require retraining and redeploying

the workforce. GM Canada plans to invest in excess of Can\$170 million to support a transition of operations from vehicle assembly into a test track for autonomous and advanced technology vehicles. The company will also help to transfer employees to other plants, and will offer enhanced retirement packages. All of these arrangements are being co-ordinated by the trade unions involved. In addition, the company will donate a local park and wildlife preserve for the well-being of its citizen neighbours. This revitalised form of co-operation is a sign of many such labour-shifting transformations likely to afflict the automobile industry over the coming decades. But shifting whole communities around is very painful, and again compassion needs to be part of the supportive transition.

The just transition in Wales and Scotland

In 2015 the National Assembly of Wales created the Well-being of Future Generations (Wales) Act. This innovative legislation established an Office of a Commissioner for Well-being of Future Generations. The Commissioner has a duty to ensure that the well-being of forthcoming citizens is properly and justifiably taken into account by all public bodies, working in ever closer collaboration with the civil and business sectors. Indeed, the blurring of these sectors and the progressive removal of their boundaries is a hallmark of the Welsh vision.

This process, which champions both sustainability and well-being in all decision-making, is based on seven well-being goals (see Figure 1). These are required to follow five ways of working, transparent

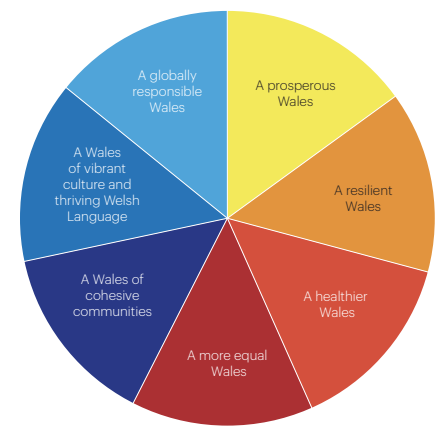


Figure 1. The vision of future well-being and sustainability for Welsh society and culture.

The Scottish Commission will focus on providing environmentally and socially sustainable jobs with an emphasis on poverty alleviation, in order to leave no one behind.

procedures of conducting their affairs, based on the practices of prevention, long-sightedness, integrated action, involvement, and constructive collaboration. The role of the Commissioner's Office is to create ways of thinking and acting across all forms of commitment, so as to ensure that the next cohorts of society are properly safeguarded and enabled to promote the moral values of sustainability.

There are procedures in place for enacting this imaginative approach to a more ethical governance for sustainability. All governing institutions, including local governments, public bodies, executive agencies, regulatory organisations, civic society groups, and citizens' associations are required to follow the five ways of working, and to create mechanisms which build in fresh moral mandates for all metrics for decision-making.

The background to the development of this exciting legislation was a two-year 'national conversation', with particular attention given to the views and aspirations of young people. This was conducted on the basis of a Wales-wide web of 'listening circles'. These were networked groups of active citizens who sought to clarify the purposes and the procedures of the Act, and to work through the moral aspects of successful delivery. An important aspect of this process is the learning for compassionate sustainable governance which is uniting institutions and their employees in fresh experiences and experiments. This learning will be shared through the re-energising of the listening circles. What is vital is that this whole process is re-evaluated in a few years' time, as is the intention.

In Scotland, a Just Transition Commission has begun to play an important role

to help plan and deliver a just transition across Scotland that protects vulnerable workers, consumers and rural and island populations in the route to net zero. The Commission forms part of a more general drive to a well-being society spearheaded by the First Ministers of Scotland, New Zealand and Iceland. The aim is to focus on social support, mental health, and overall community nurture leading to personal contentment and happiness. The Scottish Commission will focus on the provision of environmentally and socially sustainable jobs with an emphasis on poverty alleviation, in order to leave no one behind. It will actively consider employment opportunities when developing net zero pathways, and design and deliver low-carbon infrastructure with the aim of creating decent, high-value work. The Commission will reach out to the trade union movement, to business communities, to the environmental and social civic organisations, and especially to the poverty support groups. In making its recommendations, the Commission will seek to mitigate risks that could undermine regional cohesion, equalities, poverty (including fuel poverty), and a sustainable and inclusive labour market. All of this cannot be at the expense of existing high value employment and the robustness of the overall economy.

The Commission is also innovating with regional meetings on regional topics with regional evidence. It has already convened these in the oil and gas sector of Aberdeen, and the coalfield communities of West Fife, and plans to visit the hill farming communities of the Southern Uplands. The Commission will publish an interim report in early 2020 to gauge its public and political interest, and will continue with its geographical perambu-

lations over following year.

Such an innovation needs to extend to all parts of the UK, and indeed elsewhere. The Trades Union Congress has also called for a UK-wide Commission with a special remit to look at skills training and green economic transitions, again highlighting the involvement of young people. What is important here is to learn from the innovative ways of working initiated by the Scottish and Welsh experiments, and to tailor these to the more demanding English and Northern Ireland contexts.

Compassionate carbon contributions

In order to address the massive social, economic and ecological costs associated with mitigating and adapting to the climate emergency, a possible way forward is to price all greenhouse gases at the point of exploration, production and emission. While such a move would result in higher prices for any subsequent use of greenhouse gas incorporated consumption, not all of these costs would necessarily be passed on in a competitive consumer market. This would neither be a tax nor a levy, for such notions are toxic to those who would have to pay. Such a hugely controversial course of action would only be possible if the politically powerful interests, which maintain non-sustainability and which champion the subsidised support for fossil fuels, are confronted by a widening and deepening public demand for moral empathy for the future of humanness which is so tragically being lost. Hence the need for a more neutral purpose arising from such charges, which might be labelled in the form of a 'compassionate carbon contribution' from the present to future generations. Introduced slowly and ramped up carefully, such contributions would eventually create vast funds for enabling the low carbon transition and associated low carbon consumption to take place more justly all over the world. Resources of investment, people and training could be made available for a series of community-supported and not for profit-backed schemes – to help the poor become better off in a low-carbon economy and society, to offset the costs of adaptation and training, to supply investments in foresight preparedness for the global vulnerable, and to foster all manner of low-carbon lifestyles and technologies. The budgets and recommendations of the various Just Transition Commissions outlined here would benefit hugely

from such contributions.

In the course of time, such contributions would have to be matched by additional provisions from direct greenhouse-gas-emitting consuming behaviour. Initially this would be necessary to get round the ‘rebound’ effect. This is the kick-back when consumers feel they are able to use any carbon-neutral technology with no sense of guilt. There is also the more politically touchy question of nudging diets toward more pulses, vegetables and fruit, and away from red meat which is linked to the loss of carbon-storing forest and new methane emissions from expanding livestock production. But in the course of time, dealing with consumption confronts a particularly difficult moral arena, as more and more the burden of the personal carbon rucksack will fall on the consumer of traded goods and services, not the consumer as a user of heat and mobility. As yet there is no international agreement covering these unexplored carbon heavyweights.

Yet there is the beginning of a reassuring precedence here. The Canadian government is levying a progressive carbon tax across the nation (but giving way to provinces already in the lead). This will be introduced at \$20 per tonne, but will increase to \$50 per tonne by 2022. The relevant aspect here is the decision to return most of the revenue in the form of an income tax rebate to all citizens, but to deploy about 15 per cent of the levy to industrial processes for investment in clean technology, carbon removal, and low carbon growth. This will include setting aside funds for retraining and relocating displaced employees. The policy provides for cap and trade arrangements for heavy carbon emitting businesses (through which there will be an allowable emis-

sion, designed to be traded, followed by a rising levy which cannot be avoided). A tax of \$50 per tonne will amount to about \$Can 11.3 cents per litre of gasoline, but will apply to all fossil-based fuels to varying amounts.

There is a degree of public support for the income-returning features of these arrangements, though initially only a few will connect higher prices in the pumps and fuel bills with a one-off annual tax rebate. There will also be questions about both the ethics of the levy which could fall more on carbon-dependent poorer families and rural communities. And there will be dispute over the prosperity impacts of returns on wealthy taxpayers compared to poorer taxpayers with very low levels of tax deduction on their incomes. On top of this, there are important political arguments over the respective roles of government in interfering with electors’ behaviour, as well as the very concept of taxing a ‘growth’ product. Yet the Canadian experience is worth following, as it begins to tackle both the morals and the ethics of carbon contributions.

Public opinion polling in the US has shown that social communication, regular dialogue, reinforcement of positive messages about the economic, technological and social betterment of low carbon living, and the call to a moral consensus embracing all engaged citizens, could lead to the kinds of moral spreading that is currently being stifled. This research also finds that ‘cautious conservatives’ (open minded Republicans) respond positively to prompts from trusted social networks, where the moral advantages of redistribution for an overall just sustainability transition are widely and persistently shared.

The practicalities of any global-scale carbon contribution funding source

would be almost impossible to manage on the large scale. The scope for corruption, syphoning off and embezzlement, and underreporting, would just be too tempting. If these funds could be channeled into community-scale not-for-profit schemes and subject to scrutiny and to accountability of delivery at the local scale, there might be a glimmer of hope. For this to be achieved, there would have to be a notable switch to compassionate humanness and decency of treatment on a universal scale.

Such a compassionate transition would need to be pursued on many fronts. One will certainly involve a more universal approach by ‘good governments’ to ground well-being for the already left behind and for future generations into basic law. Another will encompass many experiments with highly participatory just transition commissions, whose experiences need to be universally documented so as to become learning leaders. A third must be to embody citizenship and compassion into all forms of knowledge sharing, beginning with the primary schools, but embracing all professional training and retraining. A fourth has to be the recognition by the ‘dark forces’ currently promoting continued greenhouse gas emissions, that they face an intolerant public, deeply anxious about the environmental safety of their families and communities. A fifth may emerge in some form of eventual global carbon abolition law which would make it illegal to emit any carbon after the onset of a global net zero date. Such a law would be backed by moral force and could unleash a widespread burst of technological and cultural innovation. And a sixth may still have to be the continued expression of resistance by young people, garnering the support of their elders who are persistently prepared to disrupt non-sustainable activities. Above all, the trialling of compassionate carbon contributions needs to be given a fair wind, rooted in social prompting and community pride.

The trialling of compassionate carbon contributions needs to be given a fair wind.

Reflections and profections

This perspective arising from the Learned Society of Wales symposium is offered to open up important avenues for dialogue and examination. We feel that we have begun a journey towards ethically sustainable transitions which heretofore has not fully received the attention it deserves. We are well aware of the amazing pulse of both the activities of the Extinction Rebellion and of the Fridays for Fu-

ture strikes. Here is a new form of protest and democracy where caring for and providing for the well-being of future generations is the key driver. It is notable that public response to both sets of protest has been largely sympathetic. Given scope for compassionate dialogue, it is possible that these movements may combine with the power of science-based knowledge and community-based reform of governing and regulatory institutions for the sake of human survival.

Maybe we are just not ready. Maybe our current forms of knowledge creation and imperfect blending are not easily united through our existing educational, theological, political and cultural arrangements, where well-being of future generations cannot sensitively and fully be identified and incorporated into our contemporary morals. There is a research agenda here involving fascinating interpretations of cultural identities, embracing history, geography and philosophy, linked to penetrative forms of learning and confidence building through which current and future generations can bond through fresh forms of compassion, empathy and sharing.

There is no time to wait. We realise that the famous clock is ticking even faster than real time suggests.

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Further reading

For the global picture please look at the report of the Intergovernmental Panel on Climate Change, *Global Warming of 1.5 Degrees* (2018), and *Climate Change and Land* (2019). Other global summaries are: UN Environment, *Emissions Gap Report* (2019); US Global Change Research Program, *Fourth National Climate Assessment* (2018); and the International Energy Agency, *World Energy Outlook 2019* (2019). For the UK, see UK Committee on Climate Change, *Net Zero: the UK's contribution to stopping global warming* (2019). The report of the Global Adaptation Commission, *Adapt Now: A Global Call for Leadership on Climate Resilience* (2019) will initiate five years of considerable financial and political resources into planning, financing and coalition building.

For an analysis of the 'dark forces' opposing net zero, see N. Klein, *This Changes Everything: Capitalism vs the Climate* (Penguin, 2015), and D. Wallace-Wells, *The Uninhabitable Earth: Life after warming*. (Allen Lane, 2019).

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Ending impunity and prioritising survivors

Christine Chinkin reflects on international attempts to counter the perpetration of sexual violence in armed conflict



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The imperative of combating conflict-affected sexual violence and ensuring accountability has come to the forefront of international relations in recent years, perhaps most prominently through the award of the 2018 Nobel Peace Prize to Nadia Murad and Dr Denis Mukwege, two leaders who have worked tirelessly and courageously to this end. The topic was the focus of a dinner at the British Academy in June 2019, hosted by the Amersi Foundation, where Nadia Murad was the guest of honour. This article discusses both international legal efforts to combat and prevent this atrocious crime and some of the specific issues raised at the dinner.

State obligations for preventing and combating gender-based violence have been a significant aspect of international human rights law since at least 1992, when the United Nations Committee on Elimination of All Forms of Discrimination (CEDAW Committee) explained it to be ‘a form of discrimination that seriously inhibits women’s ability to enjoy rights and freedoms on a basis of equality with men’.

Such violence when committed by public authorities may breach the state’s obligations under general international human rights law, and the state may also be responsible for private acts of gender-based violence if it fails to act with due diligence to prevent, investigate and punish such acts, and to provide remedies.

The following year, at the instigation of women activists, the World Conference on Human Rights in Vienna declared that ‘violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law, requiring ... a particularly effective response.’ This formulation challenged the traditional binary of international humanitarian law (IHL) as the legal regime applicable to address violations committed in international and non-international armed conflict, and international human rights law, applicable to what might be called ‘everyday’ gender-based and sexual violence, committed outside conflict – in so-called peacetime.

This assertion of state responsibility

for human rights violations coincided with evolving international criminal law, which posits individual criminal liability for offenders. Following the trials held after the Second World War, at Nuremberg, Tokyo and in many local jurisdictions across Europe and Asia, international criminal law largely lapsed, until the establishment by the UN Security Council of the International Criminal Tribunals for the former Yugoslavia and Rwanda in 1993 and 1994 respectively. These *ad hoc* criminal tribunals were followed by various models of hybrid criminal courts, with a mix of international and local personnel – for instance in Sierra Leone, Timor Leste and Cambodia – and by the permanent International Criminal Court, established by the 1998 Rome Statute and functioning since 2002.

Through legal provision and evolving jurisprudence, conflict-related sexual violence has been designated as a war crime,

a grave breach of international humanitarian law and a crime against humanity, when the other criteria for such crimes are satisfied. Gender-based and sexual violence can also be a tool of genocide when committed with the intent to destroy in whole or in part a group characterised on national, racial, ethnic or religious grounds. Thus, by the end of the 20th century, the longstanding silence about crimes of sexual violence committed disproportionately (but by no means exclusively) against women and girls had been broken, with international legal provision for both state responsibility and individual criminal liability. The silence had never of course been total; both law and practice had in fact long provided for accountability, but this had been rarely achieved.

However, legal provision has not ensured an end to such offences. In 2014 the world was shocked at the violent emergence of ISIS (or Daesh) and its vicious

sweeping through swathes of Syria and Northern Iraq. Over time, more became known about the atrocities ISIS forces committed, especially against members of the Yazidi community. Sexual and gender-based violence was manifest both through new and horrifying means, as well as in ways well-trodden through the annals of war. Women and girls, men and boys were murdered, kidnapped, abducted and raped; some were drafted into the ISIS fighting forces, where they were compelled to commit violent acts, thereby blurring the line between victim and perpetrator. When they were able to leave, either through escape or rescue, such children were brutalised, striking out violently at family members and brainwashed into the ISIS mode of life. Others – especially women who were targeted because of their gender and their minority status – were enslaved, held and traded as slaves, forced into ‘marriage’ and



Nadia Murad, winner of the 2018 Nobel Peace Prize, speaks at the British Academy in June 2019.

child-bearing. All who lived were forced to comply with the ISIS determination of Islam. Sexual and gender-based violence were used as instruments of war, of spreading terror, as an integral part of the destruction of Yazidi territories, families, social and physical infrastructure and way of life, indeed of genocide.

After the military defeat of ISIS, the crucial questions were how the Yazidi people – now traumatised, dispersed in refugee camps or living in exile throughout Europe and elsewhere across the world – could return to their devastated homelands, regain their faith and way of life; and how accountability for the crimes committed against them could be ensured and adequate reparation delivered. In the search for ways to respond to this daunting challenge, both strengths and weaknesses could be identified.

The greatest strength came from within the Yazidi community itself, exemplified in the inspirational person of Nobel Peace Prize laureate, Nadia Murad. Nadia told the world, including through the UN Security Council, what had been done to herself and to her people, and that she was not prepared for it to be forgotten.

Weaknesses came from the international legal structures and institutions. Despite the development of law as briefly outlined above, the international legal system still lacked the mechanisms to ensure accountability. Nor were states prepared to take all the necessary measures for ensuring justice – in the fullest sense of the word – or to accept their share of responsibility for the catastrophe that had befallen the Yazidis.

At the dinner, guests heard from Nadia Murad about her priorities in the aftermath of the genocide and her initiatives for moving forward. She stated that her first concern was repairing the physical infrastructure of her peoples' country, and thus preventing the accomplishment of ISIS's objectives. To this end, money from the Nobel Prize had been allocated to build a hospital in Sinjar for all communities – Yazidi, Muslim, Christian and others. Another objective was to build a university where there had been none before; while men had been able to leave Sinjar to pursue higher education in Baghdad, this had not been so easy for women. Other projects had focused on restoring farming land, or other local enterprises.

What is remarkable about this listing of priorities is that it echoes what women, when asked, have always said are required

Women must be able to participate fully in all post-conflict decision-making to make their needs known.

for post-conflict reconstruction and community recovery: health services, livelihood support and education. The first must encompass both emergency treatment and long-term psycho-social restorative healthcare for addressing trauma as well as physical injury. Secure livelihoods are needed to re-establish self-sufficiency and autonomy. And education is needed to look to the future and prevent a new generation from being permanently disadvantaged by the destruction of their childhood and to open opportunities. Women especially speak of these as the central substantive elements of any peace package. This was also institutionally recognised as long ago as 1919, when the International Labour Organisation's Constitution (incorporated into the Versailles Treaty) spelled out that social justice was essential for the achievement of universal and permanent – what we would probably now call sustainable – peace.

They are also included within the relief and recovery pillar of the UN Security Council's agenda for women peace and security, which it has progressed through nine further resolutions since its adoption of its ground-breaking resolution 1325 in 2000. Resolution 2467, adopted in April 2019, explicitly encourages a 'survivor-centred approach' which must 'respect and prioritise the needs of survivors' without any discrimination. This also entails ensuring that responses are gender-sensitive and appropriate, recog-

nising that 'one size does not fit all', and that women must be able to participate fully in all post-conflict decision-making to make their needs known, including those relating to apposite reparation.

Healthcare, education and livelihood support are not, however, matters just for humanitarian agencies. They are also core economic and social rights that are set out in international treaties, including the 1966 UN Covenant on Economic, Social and Cultural Rights (ICESCR), and the 1979 Convention on Elimination of All Forms of Discrimination against Women. States parties are obliged to take appropriate measures to ensure access to and delivery of these rights on a non-discriminatory basis, to women as well as to men. Nor do inadequate resources justify failing to ensure such rights; under article 2 of the ICESCR state parties undertake to take such steps individually 'and through international assistance and cooperation'.

Nadia Murad also emphasised the related needs for security and legal accountability. The situation of the Yazidi has starkly exposed the continuing deficiencies and gaps in the international criminal legal system. The ICC can only assert jurisdiction where either the territorial state (the place where the crimes were committed) or the state of nationality of the offender are a party to the Rome Statute, or where the Security Council has referred the situation to the prosecutor. Neither Syria nor Iraq have become parties to

The inadequacies of the existing international criminal institutions mean that accountability under international criminal law should be sought at the national level.

the Rome Statute, and the potential use of the veto has prevented the Security Council from acting. There have been some innovations at both the international and national levels. At the international level, the UN General Assembly acted where the Security Council could not. In resolution 71/248 (2016), it decided to establish an International, Impartial and Independent Mechanism (IIIM) 'to assist in the investigation and prosecution of persons responsible for the most serious crimes under international law committed in the Syrian Arab Republic since March 2011'. This body is mandated to 'collect, consolidate, preserve and analyse evidence of violations' of both IHL and human rights law, 'in order to facilitate and expedite fair and independent criminal proceedings' if and when they might occur.

The inadequacies of the existing international criminal institutions mean that accountability under international criminal law should be sought at the national level. Security Council resolution 2467 emphasises access to justice as an important part of the women peace and security agenda. It calls upon states to 'strengthen legislation and enhance investigation and prosecution' of conflict-affected sexual violence, and urges them especially to 'strengthen access to justice for victims of sexual violence in conflict and post-conflict situations.' As well as reforms to criminal law and procedures, this requires courts to be receptive to strategic lawyering. The dinner was given one such example. Yasmin Waljee from the interna-

tional law firm Hogan Lovells told about civil litigation commenced in Australia through which compensation is being sought for the international crimes committed overseas by an Australian national, Khaled Sharrouf, who had fought with ISIS. In an article¹ Yasmin has explained that, through the New South Wales Victims Compensation Scheme, Yazidi survivors want Sharrouf's assets to be sold to provide for compensation and in this way for Australia to show leadership by giving weight to the public statements it has made about ensuring accountability.

Listening to Nadia Murad was both sobering and inspirational. A number of points became especially apparent to me. First, is the need for the international community to listen and respond to the priorities of those who had experienced sexual and other forms of violence first hand, and to learn from them about traditional forms of healing and cleansing practised within their communities, as well as seeking other forms of redress.

Second, taking a survivor-centred approach requires holistic thinking and recognising that delivery of economic and social rights are integral to access to justice, as well as for healing and human security.

Third, there is a need to seek both individual criminal liability and state responsibility. They are complementary methods for seeking accountability and ending impunity and neither excludes the other. Modes of investigation and evidence collection and collation in accord-

ance with international standards are important, but unless appropriate courts with jurisdiction are found – or are established on some model of an *ad hoc* international or hybrid court – criminal trials will not take place. In any event, there are unlikely ever to be trials of the vast number of perpetrators. What some see as another option – summary execution of alleged offenders – undermines the rule of law central to the human rights canon that states have committed themselves to uphold.

Fourth, there is the importance of appropriate redress for victims, separate from the prosecution of offenders. Various schemes are currently being explored for generating funds, but the basis for allocation of any such funds also needs further consideration. Article 75 of the Rome Statute allowing the ICC to make an order against a convicted offender for reparative relief was innovative, but the lack of any conviction to date by that Court for crimes of sexual violence, has meant that no reparations have been secured for victims who have testified before it. Nor should reparations be dependent upon co-operation with law enforcement or security agencies. Assets frozen around the world under anti-terrorist provisions could be used to fund rehabilitative initiatives. Security Council resolution 2467 on its face reinforces the right to a remedy under international law for an international wrongful act, including a violation of human rights, but without acceptance of this obligation and implementation there is the risk that survivors will remain without redress.

And finally, there is the importance of women's effective inclusion in all levels of decision and policy-making, including with respect to societal reconstruction and reparation. This was urged in Security Council resolution 1325, but remains still too rarely upheld.

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¹ Melissa Coad, 'Strategic Justice', *Law Society Journal*, 56, (June 2019), 34.

Robots, AI and work: comparing the UK and Norway

Caroline Lloyd and Jonathan Payne explore challenges presented by robotics and AI in Norway and the UK



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The last few years have seen a number of gloomy publications predicting that robotics and artificial intelligence (AI) will destroy vast numbers of jobs, with dire economic and social consequences. These warnings have been heard before – most recently in the 1990s when microcomputers were accompanied by prophecies of a ‘jobless future’. However, although some jobs were lost at the time, many more new ones were created. Is it different today and where is the evidence?

Much of the research in this field either involves abstract assessment of technological capabilities and the potential to replace humans, or focuses on engineering or computing challenges and possibilities. There is very little research that examines the *societal context* and how these technologies are actually impacting on jobs. Investment can be costly and risky for employers, with no guarantee technology will be taken-up. There are decisions over when and where to invest, and whether jobs will be replaced or changed. The same applies to how jobs are ‘rede-

signed’ around technology and its impact on skills.

Comparing countries offers the opportunity to examine the societal context and address the role of institutions, interests and power. The power of social actors, such as employers and trade unions, and the roles they play are different across developed countries. Institutions that shape decisions within the workplace also vary, including industrial relations systems, labour market regulations, mechanisms for worker voice, welfare states, education and training, and corporate governance arrangements. These may have an important bearing on the development of robotics and AI, take-up and work outcomes. Comparative research can help shed light on the role of institutions, interests and power in shaping technological change, and open up the challenges and possibilities that different countries face.

Our research focuses on Norway and the UK, two countries which contrast markedly in their institutions and in the power of employers and unions in influencing decisions. Here, we discuss two

aspects from our current work. First, we draw on a project that involved interviews with robotics/AI scientists, developers and funders, along with representatives from employer associations and trade unions, and examine their views on the pace of technological change and the impact of robotics/AI on jobs. Second, we provide some examples of the introduction of robotics at the workplace in hospitals and the food and drink processing sector, research funded by a British Academy/Leverhulme Small Research Grant.

Tech capabilities and the jobless future?

Talking with robot researchers and developers can be rather sobering in terms of what these technologies *cannot* do, and the timescale over which current limitations might be overcome. Computers can now outperform humans at certain rule-bound problems and the rapid processing of information; they can beat a world chess champion or master the game 'Go'. But when it comes to replicating human behaviour, using contextual knowledge, intuition and language capability, AI still has a very long way to go. As one Norwegian researcher put it, 'there's a lot of artificial, and very little intelligence.'

Similarly, physical robots struggle to match human flexibility and dexterity. A robot can pick up bottles and place them in a box, but grasping wet fish of varied size and shape, or arranging a piece of lettuce for a sandwich, present major challenges. Robotic vacuums can clean large empty spaces, but a hospital ward is a different proposition. Some commentators argue these 'limitations' will soon be overcome. Our interviews with robotic developers suggest this is likely to be a gradual and lengthy process. In addition, the creation of a technological solution does not mean it will be developed and manufactured on a scale that is cost effective for organisations. As a UK technology implementer put it, we are probably looking at 'evolution', not 'revolution where suddenly everything changes'. Across the interviews, predictions of mass technological employment met widespread scepticism.

We did, however, find noticeable country differences in relation to perceptions about the pace at which robots/AI are being introduced into the workplace. It was argued that there is a greater incentive for organisations to invest in technology in Norway. High labour costs and generous unemployment benefits encourage the

use of automation to boost productivity, as well as providing a strong safety net for those who lose their jobs. In the UK, there is less incentive to invest in robotics/AI, due to significantly lower labour costs. Shareholder 'short-termism' also remains a problem for capital investment, with interviewees describing many companies as 'risk averse' or requiring investments to be paid back in two or three years. A representative from a robotics association insisted many organisations in the UK 'haven't done industry 3 yet', with a 'long-tail' of low productivity firms and 'backward SMEs'.

To find out how organisations are making decisions about robotics and AI and their impact on jobs and skills, we are undertaking research in a small number of workplaces. The technologies observed include the use of automated guided vehicles (AGVs) in hospitals, and robotic palletisers, wrappers, feeders and pickers in food and drink processing plants.

Robots in hospitals

AGVs are robotic platforms used to transport food, waste, linen and medical supplies, tasks usually undertaken by workers, such as porters, which involve pushing and lifting heavy loads. Replacing human labour brings occupational health benefits, including reduced injuries to backs and upper limbs. Most workers were redeployed, with only a few leaving voluntarily (e.g. early retirement). Some transferred to moving patients. Others were retrained for new roles, such as service workers in logistics or monitoring the AGVs. These new positions required additional knowledge of logistics and basic skills in computing.

The way in which AGVs are introduced

into the workplace makes a substantial difference to how workers respond and their subsequent use. In one Scottish hospital, unions were consulted from the start. Despite workers' initial fears that they could lose their jobs, union involvement helped allay such concerns and made the introduction of AGVs run smoother. Contrast this with an English hospital, where there were no guarantees of redeployment. Unions were not involved and therefore opposed the use of AGVs, and management failed to take the time to engage with the workforce over their introduction. The result was an environment of non-cooperation and reports of workers deliberately sabotaging the robots by blocking their paths or covering their sensors. Three years on, their use is still far more limited in this hospital than others in our study.

Although there are labour savings as well as occupational health benefits, only seven hospitals have deployed AGVs across the UK and Norway. Why so few? Quite simply, they require purposefully built layouts with set pathways, making them extremely difficult and costly to introduce into older hospitals. Even in new hospitals, the process of implementation is far from straightforward. There are many technological issues related to alignment of sensors and the ability of the software systems, including those in doors and lifts, to 'talk to each other'. It also requires a reorganisation of logistics and standardisation of processes, involving both the hospital and external suppliers. AGVs are slow and expensive to implement, as well as costly to maintain. When we asked managers if they saved money, the answer was invariably 'we're not sure'.



An automated guided vehicle (AGV) transporting a piece of equipment in a Norwegian hospital. Photos: Caroline Lloyd.

Robots in food and drink processing

In the food and drink processing sector, automation has been taking place for decades, although at an uneven pace. Robots are a further step in this direction, being used primarily in those areas that have been difficult to automate with traditional technology, such as palletising and picking/placing. Selecting and installing a robot is not straightforward as it requires bespoke adaptation to the workplace and training for workers. The expectation is of the gradual replacement of some workers, with a greater potential future impact on labour-intensive activities like sandwich making, although these are areas where workable solutions still evade robot developers.

In Norway, high labour costs are seen to provide an important push towards automation and the greater use of robotics. In the three Norwegian companies in our study, wage costs for an operative are between two to three times that of UK workers. There is also close co-operation between pro-technology unions and local management focused on productivity enhancement. Some workers have been upskilled to operate the new computer systems, with workers gaining formal certification, skilled worker status and higher pay through the industry-level collective agreements. One Norwegian company stands out for worker engagement in technological change. 'Project groups' are set up, involving a manager, technician, engineer, union rep, safety rep and operative, which visit robotic manufacturers and choose and assist with implementation. In two Norwegian cases, some workers had been replaced by automation, including robots. Nevertheless, unions and workers see automation as necessary

for the survival of plants, given the high labour costs.

In the two UK companies, the driver for investment is more varied. One company is using robots to increase output and reduce bottlenecks caused by manual processes, such as feeding machines and packing. The use of robots and computer-controlled machinery has removed some jobs, but employment is still increasing as the company is growing. There are changes to the work of line operatives and craft engineers, with jobs requiring less mechanical and more computing skills. Workers are also trained and supported to achieve accredited qualifications.

The other company cited recruitment challenges as a key driver for investing in robots. Wages are close to the statutory minimum, and a more buoyant local labour market has made it difficult to recruit and retain staff. This factory uses a highly manual process across much of the plant, partly due to technological constraints involved in roboticising sandwich production. Robots are gradually being introduced to displace workers in areas like packing, but, in a context of low pay, the process is constrained by the relative cost of capital investment compared to any potential labour savings. Under current plans, it is anticipated only a handful of jobs will be lost each year.

In both UK companies, there are no unions and little evidence of workers being involved in decisions around introducing technology or exploring ways of improving production efficiency. Technology is seen as the remit of engineers and managers.

Final thoughts

This research identifies key issues around what robotics and AI can and cannot do, barriers to diffusion, the pace of change, implementation challenges, and whether mass technological unemployment beckons. It highlights important country differences. Norwegian trade unions are powerful and influential policy actors, and have been central to shaping and maintaining an institutional context which provides high wages and relatively generous social protection. This 'social pact' helps support union-management co-operation at the workplace around productivity-enhancing automation. In the UK, relatively cheap flexible labour, along with short-term shareholder pressures, disincentivises capital investment, with damaging implications for productivity. Social partnership at the workplace has weak institutional support, and workers who lose their jobs have less protection in terms of unemployment benefits and retraining opportunities. In this context, any productivity gains are less likely to be shared with workers who are also more exposed to the risks associated with technological change.

Important questions are raised for further research. To what extent and at what pace will technological constraints be overcome? Can robotics and AI solve the UK's productivity problem without addressing institutional barriers to diffusion? How extensive is union-management co-operation around technology in Norway, and are there examples in the UK of proactive unions shaping technology at work?

International comparative research is critical in showing us that place continues to matter, and that there is the potential for different outcomes. This provides an important corrective to accounts which see technology as the prime determinant, and instead focuses attention on the role of institutions, social actors and power. While countries have different starting points, a central question is what can be done to shape the process of technological change to support decent work and protect displaced workers.



A robot used in drink processing in Norway.

The interviews with

**James Raven
and Sarah
Worthington**

For more information on
our interviews please visit:
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James Raven

On the book world of 18th-century London ... and Bishop Pontoppidan's sea monsters

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Is there anything in your background that would have suggested that your academic career was inevitable?

I came from a family that worked on the land for generations in north Essex and south Suffolk. I was surrounded by relations who were forced to leave school to work (both my parents left at 14) – nobody had taken A-Levels or earlier equivalents, nobody had gone to university – but they were deeply committed to the area and community in which they lived. I grew up with this intense knowledge of my own family and of life in that part of the world. I was taken, for example, by a great-uncle to a beach in Suffolk to see where, according to oral memory, his many-times great-grandfather had fought the Dutch in the late 17th century. So I was involved in the past from an early age. I then went to an unusual but wonderful and stimulating state school, where the teachers had many varied experiences before teaching. It was they who furthered my interest in history, and encouraged me to apply to university – to Cambridge, because it was local.



James Raven's diminutive great-great-grandparents leaving their farm labourers' cottage in south Suffolk to appear in their Sunday best, c. 1870.

Before going to Cambridge, I had a year off. Indeed, I had to because, having no familiarity with entrance exams or interviews, I was turned down at my first attempt. My teachers were so annoyed that they told me to go to somewhere that would be ‘more appreciative’. That seemed a bit rude to me and so I simply applied again to the same college. In my year off I wasn’t sure what to do, so saved up to advertise in the *New York Times* for any Americans who wanted to trace their ancestors in East Anglia, and I spent part of that year working in local record offices. In those days, you could handle the actual birth, marriage and death registers, Poor Law Records and other documents, and that and talking to the archivists provided a wonderful experience to have before coming to study history as an undergraduate.

And it was probably that, together with inspirational teachers at Cambridge that led me to research in social and cultural history. Historians such as Roger Schofield FBA, Peter Burke FBA, who arrived at Cambridge during my time, and Peter Laslett FBA were beginning to look at history from the bottom up. This was very exciting, and through my own family experience I could relate to oral history and to the experience of ordinary people.

What was the focus of that first research work?

I looked at attitudes to business and wealth creation in the 18th century through popular literature. I had always been interested in the relationship between history and the writing of fiction. But I was also very politically engaged, concerned about social issues and inequalities – I have stood for Parliament three times. And at the time when I was doing my research, debates raged about Thatcherism, and in particular about whether Britain had an enterprise culture. There was an argument that, at the end of the 19th century, a cultural *cordon sanitaire* had been established around business values: as David Cannadine puts it, the greatest achievement of success in business was to leave it; people went ‘county’, their sons became MPs, and so forth. But for several reasons I was troubled by the thesis about cultural causes of British relative economic decline: Britain’s competitors

at that time – France, Germany and the United States – also produced literature that was anti-business; and in any case, such sentiments can be found earlier, in the 17th and 18th centuries. But I was particularly interested in how representation and behaviour might actually be linked: if an anti-business ethos is conveyed through literature, does it really have an effect?

To explore this, I looked back at the popular literature of the 18th century. I did not want to use a literary canon of books that were selected for their literary merit: I wanted to understand what was published and why it was popular. Before the digital age, this was a huge archival challenge. I became a self-trained historical bibliographer, and after my PhD thesis I did a lot of work compiling bibliographies of what had been published, particularly novels. And to do that you have to look beyond the great copyright libraries – the Bodleian, Cambridge University Library or the British Library – which disdained to collect popular fiction. I travelled far and wide to novel collections in special collections and in private hands, and as a result was also invited to an extraordinary library at Schloss Corvey, near Paderborn, in Germany. At the end of the 18th century and in the early 19th century, the then Duke of Corvey collected every novel that was published in London, Paris and Leipzig for his two unmarried aunts. Until this private collection was sold to the local *Land* in the 1990s, nobody had looked at it. Notably also, book collectors in the United States saved what are now extraordinarily rare books, so I visited there a lot. I would guess that about 20 per cent of fiction published in the second half of the 18th century survives in only one or two copies worldwide; another 7–8 per cent that I know was published, because we have book reviews of the titles, does not survive in a single copy – it is lost.

At that time, my work was contributing to something which is now called ‘the history of the book’. This includes the history of printing, of publishing and of readership. I continue to try to broaden its ambit – and very much from the perspective of the social and cultural historian, anxious that ‘book history’ is no academic ghetto but addresses wider questions of intellectual, political, economic, religious and social change and continuity.

About 20 per cent of fiction published in the second half of the 18th century survives in only one or two copies.

What was changing in the book world of 18th-century London?

It was transformational in terms of the number of books published, and in the increasing breadth of interests. There was what we now think of as niche marketing: almost starting from nothing. In the second half of the 18th century, for example, there was an extraordinary demand for magazines and publications aimed specifically at women or children.

The fascinating thing is that this transformation in terms of scale, quality, breadth and specificity all happened within the technological constraints of the manual wooden printing press. I often say to students that, if Caxton had somehow magicked himself forward from the late 15th century to the late 18th century, the workplace would have been fully recognisable to him. The technology was basically the same. A workable iron press powered by steam was not commercially adopted until 1814. Instead, the transformation in the course of the 18th century came about through the use of larger numbers of wooden presses, responding to an increase in consumer demand for print. A gentle increase in literacy led to more people buying books, periodicals and newspapers – and a much enlarged second-hand market and more borrowing from newly established libraries. But even more significantly, the proportion of the population that was already buying books was now able to buy more.

In addition, the colonial expansion and growth in overseas trade at the end of 18th century produced a booming market for the export of books from Britain. Even in the 1830s and 1840s, the young United States was not really self-sufficient in printing and publishing, and was still importing a huge amount from Britain.

As I developed my work from my first books (*Judging New Wealth*, bibliographies of the novel and *The Business of Books*), I then published a book called *Bookscape*, which used taxation records in order to look at the sites of printing and publishing in 18th-century London. I also collaborated with the Computing Department at the University of Essex to create a digital on-line model, using illustrations and photographs, to walk again down Paternoster Row as it was in the early 19th century (the Row – which had been the most concentrated street of publishers and booksellers anywhere in Europe – was completely destroyed by bombing in the Second World War). In a room in the university you can put on 3D glasses to make the walk seem even more real. This is very stimulating for thinking about and understanding space: the proximity of one business to another and the size of premises. A possible further on-line development will enable you to go into certain shops and link up with publication data, so that you might know exactly what, where and how Longmans or Rivingtons published in a particular year.



Paternoster Row, c. 1820.

You have a wider – indeed, more global – interest in the history of the book.

I recently published a small book called *What is the History of the Book?*, which looks at the subject generally – from clay tablets in ancient Assyria to digital tablets in our own time – and asks what a book is. A bigger overview will be coming out next year as the *Oxford Illustrated History of the Book*.

I am also, for the first time, researching a global history of *one* book, looking at Erik Pontoppidan's *Natural History of Norway*, and its reception around the world in the Enlightenment. He was a Danish intellectual who fell out with the king and was dispatched to be Bishop of Bergen, and this is where he wrote this history of the flora, fauna and traditions of Norway. It was translated from Danish into German and then into English, and it became a big hit: copies were owned by Benjamin Franklin, by maharajahs in India, and by all the great institutions. It was right at the centre of the Enlightenment, as a contribution to science: All Souls College, Oxford, ordered it in a tranche of other natural-history books. I am examining every surviving

copy of all three language editions around the world, looking at differences between them and what their owners wrote in the margins as they read.

Pontoppidan was interested in both historical and scientific methods, and in being able to verify and prove what he was writing about. Therein lies an important twist because, in the second half of the book, he put forward claims for the existence of mermaids, mermen and sea monsters. In the large folio English version, which has beautiful illustrations and engravings, most of the marginalia and annotations in those sections are about sea snakes: that is what fascinated people, and that is what the book reviews were interested in. Extraordinarily, a hundred years later, in *Moby Dick*, Herman Melville writes about the appearance of a giant squid, and asks whether such a creature might be the same as 'the great Kraken of Bishop Pontoppidan'. Who, in the 1850s, would have recognised that reference? No one recognises it now.

I am interested in seeing what themes we can reveal from looking at one particular publication. For example, it is becoming increasingly evident that the reason why Pontoppidan's scientific methods wobbled was because



Plate illustration of a 'great Sea Serpent' from the 1755 English edition of Bishop Erik Pontoppidan's *Natural History of Norway*. On the facing page of text, Pontoppidan talks of 'the extraordinary works of the great creator. Amongst these the Kraaken, which I am going to describe, is to be considered as the most extraordinary in length. But here I must again, as I did of the Mer-man, first give the reader proper authorities for the real existence of this creature, before I come to treat of its nature and properties. ...'

of the prevalence of Nordic myth – of the great myth of the monster that wrapped itself around the world. There is a complex and powerful tradition which I am tracing back in terms of the residual influence of myth upon new scientific method.

But the study of a book such as this one can also break down false national barriers. Books are, quintessentially, *livres sans frontières* – they travel. One of the weaknesses of some of the early contributions to the history of the book has been that they looked at what was published in a particular place in a particular country, without thinking that books circulate, both in space and in time. It is not just what was new but also what was available from ancient times. If you were in Edinburgh in 1760, at the time of Adam Smith, you wouldn't just be reading what was being published in Scotland or even in London at the time, you would be reading books that were coming in from the Continent. And they might be old books as well as new ones. Studying Pontoppidan's *Natural History* is a way of understanding both the geographical and temporal horizons of publication.

I came across the book quite by chance, because I was doing some work on one of the London sellers of the English edition, John Nourse. Serendipity is very important in scholarship.

What particularly interests you about your research work?

It goes back to my love of archives. It is about being able to hunt for things, discover them, and then bring them to the attention of others, so that historical agendas are changed – whether that is changing the perspective of what was being written about Britain in relation to industrialisation and an industrial spirit, or to changing our understanding about what popular literature was in the 18th century, or gaining a more global understanding of the circulation of ideas through literature and publication in the 18th and 19th centuries.

It is about posing historical questions. It means asking different questions about a body of work to those that have been asked for critical and aesthetic reasons. I am interested in why particular images, thoughts and ideas were popular at the time. How was the original work reinterpreted and reused? And there are a number of different questions when you look across space and time.

It is also about a willingness to revisit some of your past work – that is very important. When a student trots out something I have said in one of my books or articles, I sometimes say, 'I don't really believe that anymore, I have changed my mind. What do you think?'

Talk about your involvement with the Marks Hall Estate in Essex. Is that related to your personal interest in the local history of the area?

As a boy I was taken by my father to this rambling ruin in the middle of Essex, to see where his great-grandfather, William Raven, had been a gardener in the 1820s. I can remember this extraordinary, overgrown wilderness. Thirty years later, I heard that the Marks Hall Estate was looking for a new trustee.

In the early 17th century, the Honywood family turned the estate into a vast deer park, with its 200 great oaks, and they remodelled the manor house to make it a Jacobean mansion. In the late 19th century the Honywoods sold the estate to a philanthropist called Thomas Phillips Price, who had fallen in love with its oaks and its great mansion. He determined to leave the estate to the nation. But when he died in 1930, his much younger widow was furious that he had not left her much of a legacy. The first thing she did was to pull down the church, then she took out most of the great oaks, and after the War she had the whole mansion pulled down.



Marks Hall mansion in Essex, during its demolition, c. 1952.

I must have visited the estate in the mid-1960s, just around the time she died. That was why it was in rack and ruin, with its great lakes silted over.

The estate was duly left to the nation after her death. The new trustees did an amazing job, clearing the lakes, bringing in a landscape gardener, and opening the place irregularly to the public. When I saw the advertisement for a trustee, I could not resist, because I remembered the family connection. I brought in teams of archaeologists to look at the site of the mansion house site. We cannot physically reconstruct the house, of course, but we can plant the outlines of the exterior and interior walls. And we have fantastic photographic evidence: *Country Life* took photographs of the mansion in the 1920s, and the resolution is so extraordinary that you can look at it brick by brick. So we can recreate it photographically and digitally. We also looked through sales catalogues to find out where all the interiors that Mrs Price had sold had gone. For example, we found

that two of the great fireplaces were installed in the local boys' grammar school. We found the original great staircase, which had been sold to a gallery in Suffolk, and whose owners have kindly given it back to us; it is now stored in a barn. We have found a few records relating to staff issues that give a sense of the social history of a large local estate. And we have gathered wonderful oral history, from local people who remember the mansion coming down.

I am just retiring as a trustee after 12 years, and Marks Hall is now a flourishing estate, with 45,000 visitors every year. Programmes such as *Downton Abbey* have raised public interest in country houses. We have invited visitors to play the Mrs Price game: you are Mrs Price in 1952 – why do you pull down the mansion? We still do not quite know: was it vindictiveness, or was it because of taxation at the time? I have been fascinated by the history of this country's lost mansions, and have edited a book on the loss of mansions in the 1950s and 1960s.

You have also been involved with the English-Speaking Union.

The English-Speaking Union of the Commonwealth (and its sister E-SU in the United States) was set up after the First World War by Evelyn Wrench and Winston Churchill. Among its many activities, it ran – and still runs – a public speaking competition, which I won, and the local branch sent me to the US for a month before I went up to university. I had never been abroad before, and I made extraordinary friends in the US. I just wanted to put more back into the E-SU, and I have worked for it for coming up to 40 years. We work with primary and secondary schools, and particularly in recent years in disadvantaged communities, to build confidence through debate and public speaking. In December 2019 I take over as Chair of the E-SU and look forward to promoting its work to unlock potential among young people across the Commonwealth – and in these times of often crude public discourse to encourage civility in debate and the re-learning of how to agree to disagree.

What are your next projects?

I am still interested in business history and particularly the social aspects of business. I am writing a book on the history of the state lotteries from the late 17th century to the early 19th century, called *Lottery Lives*.

As a social-cultural historian, I have had an interest in film, television and radio for a long time. I am launching a new course for undergraduates in Cambridge on film and society in Britain and France from 1948 to 1969.

And when I have finished the global biography of Pontoppidan's *Natural History of Norway*, I will go back to a book that has been uncompleted for many years. It will be called *Making the Novel*, and it will revisit my work on published fiction in the 18th and 19th centuries, trying to look at novel production and reception in the context of broader cultural products. I will go back to it with relish.

James Raven was interviewed
by James Rivington.

Further reading

Some of James Raven's books mentioned in the interview

1992 book: *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750–1800*.

2007 book: *The Business of Books: Booksellers and the English Book Trade 1450–1850*.

2014 book: *Bookscape: Geographies of Printing and Publishing in London before 1800*.

2015 edited book: *Lost Mansions: Essays on the Destruction of the Country House*.

2018 book: *What is the History of the Book?*



Sarah Worthington

On making sense
of law in business.

Sarah Worthington, QC (Hon), is Downing Professor of the Laws of England at the University of Cambridge, and a sitting Deputy High Court Judge in the Chancery Division. She was elected a Fellow of the British Academy in 2009, and has been its Treasurer since 2015.

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Talk about your childhood background.

It was all very sunny, quite literally. Although I was born in Yorkshire, my parents moved almost immediately to East Africa, first to Uganda very briefly, and then to Kenya where I spent my first eight years. When they moved again, it was to Australia. My father was a civil engineer, working on water projects, and my mother is still a very keen gardener. These are passions that have lasted throughout their lives. My parents gave me a great sense of independence, fun and adventure, but also of working hard – it was important to ‘use your talents’.

At the time my childhood in Africa seemed perfectly ordinary. It was only later that I realised how colourful it had been. By the time I was eight, I had seen African and African Indian cultures at close hand, I’d been to Venice, and London and Lancashire (to meet my grandparents), and then on a slow boat to Australia. Those early escapades inevitably coloured my approach to life.

You studied science at university.

Yes. No doubt I acquired a practical bent from both my parents. But more importantly I was of the generation that if you could do science, then you did it. At school I had the benefit of a very broad school curriculum and some inspirational teachers, but at university I studied physics, chemistry and lots of maths, all with the goal of doing cancer research. The motivation for that was probably romantic – I wanted to make a difference – and I was two years into a PhD in that area before I finally switched to law.

Why the switch? Part of it was the nature of cancer research. At that stage the processes were pretty primitive. Almost everything we did manually is now done automatically. The endeavour had its own fun for all that, with a wonderful professor directing the research programme, but the repetition was certainly tedious. More fundamentally, however, I realised quite early on that I preferred working in words, not equations. Law looked fascinating, because it was about language and logic, people and rules.

That initial fascination hasn’t abated, but I don’t regret my scientific loop. In at least two respects

it changed my life: I met my future husband, and I discovered I loved to teach. The second was probably more surprising than the first, given my one certainty in life was that I would never teach. But in my honours year it was mandatory, and I simply loved it.

Have you brought any residual science perspectives to your study of law?

I probably brought with me the constraints of a number of bad habits as well as the advantages of some good ones. The bad habits included a realisation that science students rarely train their memories. I'm still better at dealing with model facts, and recounting arguments and principles, rather than remembering that *Smith v Jones* is a contract case (an imaginary one!), and *Peter v Paul* a company one.

Case names aside, the law is usually quite logical, and logic is something that scientists are trained in. My legal research reflects a preference for principle and logic. In some areas, legal outcomes seem intuitive: the goodies win and the baddies lose, even if the detail is carefully nuanced. But in other areas, it is not like that. Take insolvency law. The bankrupt's funds are insufficient to

pay everyone, so the losses have to be shared by innocent creditors. It is difficult to settle on a rule that is fair. But once that rule is chosen, it is vital that it is applied in predictable and replicable ways, so people can be certain of their rights. I like these knotty problems, whether attacked from the policy end or the doctrinal end.

What are the areas of law in which you are particularly interested?

I am a commercial lawyer. That means I focus on the law relating to businesses and their dealings with each other.

These rules include deals between individuals, but most businesses are incorporated as companies, ranging from small start-ups to international conglomerates, and dealing in anything from bags of nails to financial derivatives. Right from the start I was interested in every aspect of these operations, and I've managed to maintain that breadth throughout my academic life. I have written about how companies operate internally, how they engage in the real world and are made liable for their engagements, and what happens when they collapse. I have also written extensively about the different assets that are traded in these deals. English property law is



The Cambridge Private Law Centre, of which Professor Sarah Worthington FBA is Director, operates from the Cambridge University Faculty of Law building.

All these legal rules need to fit together coherently to deliver a sensible commercial law regime by which businesses can run their operations.

much more subtle and intricate than the equivalent laws of our civilian counterparts. That greater flexibility has always been one of its major attractions to commercial traders.

Obviously, all these legal rules need to fit together coherently to deliver a sensible commercial law regime by which businesses can run their operations. But because we increasingly work in silos, there are disjunctions. My special passion is examining these disjunctions and trying to suggest a principled resolution, so that the rules make sense across the broader legal landscape. Without this there will inevitably be problems, many of which end up in the Supreme Court.

All legal academics probably hope their work will change the law. I've not moved mountains, but there are areas where I've had an influence, and occasions where courts have adopted the reasoning I have suggested, and that has changed how the law is understood.

How do academic lawyers help explain what the law is?

Academics do this in different ways, sometimes by systematising a broad range of material, sometimes by unravelling and exposing the workings of particular parts. The first is especially important in common law systems, where the law is developed case by case. A particular fact scenario is presented in court, and a decision is made. When the next scenario comes along, typically a bit different, there may be a different decision. Without any intervention, we would simply have an accumulation of undifferentiated cases. It was in the mid-1700s that William Blackstone started writing his *Commentaries on the Laws of England* – going through all the cases and trying to impose a structure on them, so that they would be intelligible to those who followed after.

When academics write law textbooks, they are

engaging in exactly the same practice – imposing a structure on a mass of cases. In my area, most of the sophisticated and controversial aspects of the law are found in the common law, not in statute. I have always loved the process of extracting the key principles from a mass of cases. But the same process is also needed in areas dominated by legislation. Consider all the litigation still needed to implement the Insolvency Act 1986 or the Human Rights Act 1998: decades later, we still need judges to reach decisions and textbook writers to characterise and categorise the outputs.

Textbooks are used by both students and practitioners. Together with Professor Paul Davies FBA, I edit *Gower's Principles of Modern Company Law*. 'Jim' Gower FBA, a deservedly famous company lawyer, wrote the first edition of this book in the 1950s. Only after his death was his work fully recognised as an authoritative text, now widely cited by practitioners and judges. Editing such a book brings with it an implicit responsibility for maintaining its reputation for objectivity and reliability.

I also edit *Sealy and Worthington's Text, Cases and Materials in Company Law*, which presents students with a collection of the most important cases, with sufficient commentary to set out this large and complex area of law in a concise and clearly structured way. Len Sealy, who was my PhD supervisor, produced the first edition in the early 1970s. Since I took over, I have tried to remain true to his goal of teaching students how to think like lawyers. The book deliberately uses long extracts and pointed questions to encourage students to unpick the underlying logic, and the competing arguments and distinctions that led to the outcome.

The broad ambition of both these books – and really of almost everything I write – is to expose the reasoning that leads to a conclusion. I want to know whether the underpinnings for a rule are robust enough for us to feel confident in the approach, and also whether the resulting legal landscape is one that will serve English commercial law and its parties well.

We want companies to behave well - not just a whisker above the minimum acceptable standard. That creates a difficult legal problem.

Have there been developments in business practice that the law has had to catch up with?

Yes. Indeed, this is the main driver for the law's continuous development – the law typically lags a little behind the activities of business and the demands of practice. For example, international trade brings with it inevitable disputes about which country's laws should govern the agreed deal and its disputes. This problem has existed since people were trading in sailing ships, although it is now far more prevalent, and the rules have become correspondingly more sophisticated.

But sometimes problems that appear novel are not. Take the way that business can be done through 'smart contracts' – these are contracts that can be made or executed by a computer. When Lehman Brothers went into administration, all its trading in securities was supposed to stop. One story has it that, at some point, one of the administrators looked around the room and asked, 'What is that flashing light?' – it was a computer, still running, executing thousands of securities transactions a day because the dealing was automated. However, the fact that contract terms are embedded in a computer code, or that a trade is automatically executed according to an agreed process, does not change the fact that the underlying deal is still a perfectly ordinary contract of the type that lawyers have long been familiar with.

The issues might seem a bit more complicated with crypto-assets and Bitcoin, but again I think not. We have very special rules concerning the use of money as currency. Payment in Bitcoin certainly could not count as payment in 'money'. Nonetheless, it could still quite readily count as the exchange of an 'asset', provided our concept of property was flexible enough to embrace that view. I mentioned earlier the common law's very long history of innovative approaches to property. I predict that our existing rules will quite happily embrace crypto-assets as 'assets' – as property – without the need for any further stretching.

So perhaps the bigger problems lie with policy. For example, the British Academy is running a large project on the *Future of the Corporation*, headed by Professor Colin Mayer FBA. Companies were once seen as delivering public good: they enabled railways and canals to be built, when no individual could have risked such capital on a single venture. Now, however, we are worried about the moral hazard of company controllers lining their own pockets at society's expense. We want companies to behave *well* – not just a whisker above the minimum acceptable standard. That creates a difficult legal problem. It is hard to justify a law that penalises people – including companies – merely because they fail to meet an aspirational objective.

Our earliest approach simply required public disclosure, and then left matters to the market on the basis that 'sunlight is the best disinfectant'. But in the last two decades, England has led the way with another quite different mechanism. This newer focus is on corporate processes, not outcomes. Over the decades an increasingly refined set of 'best practices' has been drawn up, and every listed company is now obliged to disclose whether they comply with these best practices, or explain why they do not. This 'comply or explain' model is now used worldwide as a tool for delivering better corporate behaviour. But you can see the weaknesses. This mechanism doesn't address egregious outcomes, nor does it demand the exclusive pursuit of particularly attractive purposes or endeavours, which is where some modern energies are now focused. But this is difficult. It remains quite tough, legally and politically, to demand saintliness.

I believe that 'abuse of power' is another legal topic that you are looking at as a future project.

Abuse of power has suddenly become a hot topic, and not just amongst lawyers, thanks to *Miller 2* – the Brexit

case. We now all know that if a public official or public entity exercises powers, their decisions may be subject to judicial review.

I have long been exercised by the fact that similar rules ought to apply in private law, in person to person dealings. We already have such rules constraining the exercise of power by particular types of individuals – solicitors, trustees, company directors, business partners. But other cases are far less clear. For example, groups of shareholders may take decisions by majority vote, dragging along the dissenting minority, who must simply live with the unwelcome outcome. Over the decades, courts and commentators have struggled to articulate a coherent rationale to explain when intervention is warranted and when it is not. The 2008 financial crisis saw the same issues emerging in majority voting decisions taken by creditors and bondholders. More troubling still are simple bilateral contracts, where one party is given power to adjust interest rates, or rent charges, or rights of access, either ‘reasonably’ or even in their ‘absolute discretion’. Think of all the times you have pressed ‘OK’ on your phone authorising such intermediation.

What limits should there be to all these powers? So far, my research suggests that all these powers are subject to exactly the same constraint: they can only be used for the purpose for which they were given. That was the public law rule applied in *Miller 2*; it is also the private law rule applied to fiduciaries. The obvious difficulty, however, is in defining proper purposes. Narrow purposes give judicial review a clear basis, whereas wide purposes make judicial intervention unlikely – but never impossible, I would suggest.

This will be the subject of my next book. I had initially wanted to tackle the project alone, but my current plan is for a broader collaborative venture, on the same model as a number of other recent publications I’ve been involved in, all emerging from the Cambridge Private Law Centre.

Another longer-standing concern of yours is about ‘equity’. Can you explain what the issue is there?

Perhaps oddly, at least to non-lawyers, we have a dual system of law: we have common law and equity. Equity emerged as a separate court jurisdiction to deal with difficult cases. When the outcomes delivered by the common law’s general rules appeared not quite apt in the circumstances, appeals could be made to the equity judges (known as ‘Chancery’ judges, sitting in a different location from the common law judges in the King’s Bench). These equity judges might intervene, showing mercy and delivering equity by providing different and more discriminating resolutions than those of the common law courts. For example, a contract might be binding at common law, but unravelled and

reversed in the equity courts on the grounds of some misrepresentation inducing its formation. These resolutions left the common law’s general rules intact, to continue to be applied in the common law courts, but qualified them in the equity courts by providing for a different approach in defined circumstances.

Our modern laws owe a great deal to developments that took place in the courts of equity. It was these judges who created trusts and facilitated simple but powerful security interests. It was also these judges who developed novel rules regulating the conduct of trustees and other fiduciaries, constraining their use of power and demanding loyalty and self-denial in carrying out their property management functions. Even now, none of this is replicated in quite the same flexible way in civilian jurisdictions. These are the areas of law that have invariably fuelled my research: at heart and in my bones I am an equity lawyer.

But it is not obvious that we needed a dualist system to deliver all these advances. By contrast, it is obvious that the downside of a dualist system is that it attracts problems of consistency and coherence, especially as each jurisdiction pursues its own separate and increasingly sophisticated ways of dealing with difficult issues. These problems did not disappear when the administration of the two separate court systems was fused in the late 19th century. Now any judge in any court can administer equity and the common law as appropriate. But ‘as appropriate’ leaves a great deal of the devil in the detail.

In my Clarendon book, *Equity*, I ranged across the landscape of equity as it exists in the modern common law world, and suggested that with the aid of rigorous and principled analysis we might successfully eliminate the existing and troubling disjunctions, and integrate these branches into a unified system. This is the book I remain most proud of having written. It is effectively a long essay on the state of the law in this rather difficult area, and a plea for its careful evolution rather than clinging to the status quo. But the issues are complex and remain hotly contested.

Professor Sir Roy Goode FBA, a good friend and longstanding mentor, suggested privately ‘not in his lifetime’, and I suspect Lord Millett might think it should not happen at all, although he wrote an wonderfully generous foreword to the first edition, which still fuels my optimism. And in that vein, I suspect we may finally be moving, although slowly – there have been some welcome signals from the Supreme Court in the past five years.



Baroness (Brenda) Hale, President of the Supreme Court of the United Kingdom, is a role model for women in the legal profession. She was elected an Honorary Fellow of the British Academy in 2004.

You are now a Deputy High Court Judge in the Chancery Division. As an academic, you have spent your time looking at other people's judgments. What new perspectives do you have now that you are handing down judgments which you know other academics may be looking at?

It was an enormous honour to be appointed as a Deputy, and it brings new challenges and a new responsibility. It was also quite a surprise – although a lovely one – given my lack of court experience. That meant I hit the ground quite cold, and had to learn very quickly. That continues. Interestingly, my experience in academic and administrative roles prepared me in ways I hadn't expected – in terms of managing the court with due decorum, making people feel comfortable, and gathering the necessary information from them.

The role of a judge might seem superficially similar to that of an academic, in that both need to understand the law and apply it in given situations. But academics invariably take the facts as given. By contrast, at least in the High Court, a large part of a judge's role is weighing the evidence and determining the facts, trying to do so objectively, guarding against bias and influence, including from compelling advocates. Which law should apply, and how, depends greatly on how you classify the problem and its particular facts.

I've also found that the human element adds a particular sensitivity to every single case. Commercial cases are often seen as exclusively about money, whereas family and immigration cases tug at the heartstrings. But behind the claims for money are individuals dealing

with partnership breakdowns, professionals at risk of losing their ability to practise, or businesses losing their hard-won start-up capital or intellectual property.

And one side is inevitably going to lose. So, I write every judgment – as most judges do – with the losing party in mind, trying to explain as clearly as possible why the case went against them.

So back to your question – all that means that I now know from very personal experience just how much effort judges put into getting things right, applying the law carefully, aiming for predictable and replicable rules. And academics only write about cases with which they disagree; they never write congratulatory articles saying, 'Wonderful judgment, perfect in every way.' I have always tried to deliver my criticisms sensitively, but now I certainly write with new empathy. But I do still write ...

It is a real privilege to be doing this, and it is perhaps the most challenging thing I have done. I enjoy it tremendously.

At a British Academy event in the summer, you talked to the Rt Hon. Baroness (Brenda) Hale – who is an Honorary Fellow of the British Academy – about the glass ceiling in the legal profession. She was very much in the public eye in September 2019, delivering the Supreme Court judgment in the case about the prorogation of Parliament.

It was a real treat to interview Lady Hale, and typically generous of her to accept the Academy's invitation.

Students around the country idolise her. They would describe her as completely unassuming and eminently approachable, despite her role as President of the Supreme Court. But she is also known for her sharp intellect – that was evident in her interview – and I am quite sure that counsel appearing before her are not quite as relaxed in her presence as the students who seek her out. Since *Miller 2*, if not before, she has become a national icon in a way that is simply unprecedented for a UK judge.

Lady Hale's list of firsts – with her roles at the Law Commission and in the House of Lords and the Supreme Court being only the most obvious of them – provide ample evidence of her breaking the glass ceiling. More than that, she is a vocal and passionate advocate for women, indeed for diversity more generally, encouraging women to do more, and do it in greater numbers. She's generous in her support. But perhaps her greatest contribution is simply as a role model, providing tangible evidence that these things can be done, and can be done with an individual style that does not need to conform to past stereotypes.

In that regard, Lady Hale is an encouragement to all of us. Given my early life in science laboratories, I am probably too used to being in groups dominated by men. But teaching science in an all-girls' school gave me an early, forceful understanding of the power of role models. I try to repeat that with my colleagues and students when they need it. Interestingly, they seem to find it just as important that I am married and have children than that I can offer career advice – options and role models yet again, I suppose.

You have been involved in the administration of many academic, professional and charitable bodies – including now being the Treasurer of the British Academy.

I have been lucky with opportunities, and have always enjoyed the thrill (mostly) of a role outside teaching and research. Teaching is rewarding because you can see when you have had an impact; research is more solitary, and I enjoy that too. But I also value a wider engagement, and being part of a larger endeavour. Quite early on in my time at the LSE, I was given opportunities to participate in plans for change – something more than simply keeping the ship afloat – and that has become a defining feature of almost every role I have had since then. I find that an intellectual challenge, but I also like getting people to work together, to do something new and different from what has been done before.

When I was first asked if I would be interested in becoming the Treasurer of the British Academy, Lord (Nicholas) Stern was President. I knew him from the LSE, and knew that he would want to make a difference. And so he did. The current President, Sir David Cannadine, is similarly motivated, powerfully so, and I have loved being part of a team with such a focus.

What is your vision for the future of the British Academy?

I can put that very simply. The British Academy has enormous intellectual heft, and we should use at least some of that for the public good.

An obvious priority is to do more to bring on the next generation of scholars, and I'm especially interested in playing a role in that. But we should also be doing much more to inform and educate the general public, making our expertise more widely available and accessible to them. Especially in the current climate, we could do a lot to raise the intellectual level of public debate. I feel quite passionate about that. There is probably no other organisation with greater capacity to do this.

Similarly, we could do more to put our expertise to work in the policy arena. Obviously, we cannot be formulating policy plans for governments and other organisations, but we should be able to harness our expertise to describe the crucial issues in play and the concerns that need to be addressed. Reasonable minds might then differ in selecting the preferable approach. But with better inputs we might expect better and more robust outputs.

The British Academy receives some very welcome government funding to do these things, and much more to fund researchers. I think we use this money wisely, but we could do so much more. As Treasurer, I'm acutely aware of the need to diversify our resources in order to do this, and to increase our independence.

Sarah Worthington was interviewed
by James Rivington.

Further reading

Some of Sarah Worthington's books mentioned in the interview

2016 book: *Sealy and Worthington's Text, Cases and Materials in Company Law*, 11th edition (12th edition in preparation)

2016 book, jointly edited with P.L. Davies: *Gower's Principles of Modern Company Law*, 10th edition (11th edition in preparation).

2003 book (2nd edition, 2006): *Equity*.

The British Academy's *Great Thinkers* podcast

Sandra MacKenzie on the new podcast series profiling the Great Thinkers among the Academy's Fellowship



Sandra MacKenzie is Digital Content Manager at the British Academy.

For over 100 years, the Fellowship of the British Academy has brought together the country's greatest thinkers from across the humanities and social sciences. While many become household names, the impact of others is not always recognised outside their discipline, or in the decades after their death.

Earlier in 2019, we asked some of our current Fellows of the British Academy to shine a light on the Fellows of previous generations who they felt deserved to be introduced, or reintroduced, to a contemporary audience. In the resulting podcast, *Great Thinkers*, you can listen to leading historians, economists, psychologists and political scientists introducing you to the academics that have inspired them, and whose work still shapes how we see the world today.

The series opened with Rana Mitter FBA, who chose as his 'great thinker' one of the 20th century's most famous historians: Arnold Toynbee FBA. Joined by Toynbee's granddaughter Polly (now an established *Guardian* writer) and

Chatham House Director Robin Niblett, Mitter follows the waxing and waning of Toynbee's influence, from the heights of his celebrated *A Study of History* and appearance on the cover of *Time* magazine, to his gradual disappearance from history curricula, while making a compelling argument for his continued relevance today. John Kay FBA has a similar mission; together with Mervyn King FBA, he sets out to rehabilitate the economist G.L.S. Shackle, who he describes as 'slightly forgotten, but whose contributions are highly relevant to some of the contemporary problems we face'.



© The British Academy

The historian Arnold Toynbee (1889–1975) is discussed by Professor Rana Mitter FBA.

“Arnold Toynbee was one of the earliest exponents of the idea that one should learn from cultures and civilisations other than the dominant one.”

Rana Mitter FBA

Jane Heal FBA is joined by Dr Rachael Wiseman to delve into both the hypotheses and eccentricities of Elizabeth Anscombe FBA, a formidable philosopher who pioneered 'action theory', translated Wittgenstein, and confronted US President Harry Truman on the immorality of nuclear bombing. The episode by Hew Strachan FBA and Lawrence Freedman FBA tells the story of the military historian Michael Howard FBA, who served in the Second World War and was decorated for bravery before becoming the UK's first lecturer in War Studies at King's College, London. Michael sadly passed away in December and this episode was well shared online in tribute to him.

Uta Frith FBA looked far outside her own field of psychology in choosing the manuscript historian and medievalist M.R. James FBA. She admits it's his celebrated ghost stories that first drew her attention – James was also a prolific author, whose haunting tales are still regularly adapted for television and radio. Together with Dr Christopher de Hamel, Frith explores how James's stories and scholarship fit together and questions why it is that we so love to be frightened.

Many of our Fellows were fortunate enough to have been taught by, or worked closely with their chosen thinker. Both Richard Fardon FBA and Henrietta Moore FBA note that, without Mary Douglas FBA, it's possible that neither of them would have become social anthropologists. In their episode, they fondly recall the precision and enthusiasm with which their former lecturer delivered her ideas both orally and in her writings, including the hugely successful *Purity and Danger*, the book that made her one of the 20th century's best-read academics. John Curtice

FBA chose to interview his former mentor and fellow psephologist David Butler FBA, whom he directly succeeded as the BBC's go-to election broadcaster. Together, they look back at seven decades of interpreting polls and explaining elections to the general public. Dawn Adès FBA also opted for her former teacher: the artist, curator and art historian John Golding FBA, who passed away in 2012. She's joined by another of Golding's pupils, Professor Christopher Green, and Golding's co-curator Professor Lizzie Cowling, for a sweeping look over his exceptional contributions to the world of art, including his abstract paintings, his book on *Cubism*, and the co-curation of landmark exhibitions on Matisse and Picasso.

Some of the chosen thinkers were unexpectedly brought back into public attention over the course of the series. In the much-derided *Victorians*, released earlier this year, Jacob Rees-Mogg MP chose the jurist A.V. Dicey FBA as one of his 'Twelve Titans who Forged Britain', concluding his chapter with 'Thank Heavens for Albert Dicey!' In a rather more clear-eyed assessment, Vernon Bogdanor FBA and Conor Gearty FBA acknowledge how Dicey's thinking on parliamentary sovereignty continues to shape discussions around the British constitution today, while also questioning what Dicey really would have made of our current debates around referenda, devolution and the will of the people. As Gearty summarises, 'once you start reading that guy, you get drawn in even if you disagree with him – and that has made him last.'

From the other side of the modern political spectrum, the sociologist, economist and social reformer Beatrice Webb FBA was the chosen great thinker of Jose

Harris FBA, who discusses her life and work with Dr Ben Jackson. As he notes, Webb also played a significant role in shaping the British political scene: 'Almost everyone who comes after them on the left in Britain feels the need to define their position in relation to the Webbs ... to say what they take from them and what they reject.' Harris and Jackson discuss everything from Webb's early work investigating the Poor Law, to her role as a founder of the London School of Economics, to her later embrace of the Soviet Union, painting a fascinating picture of, as Harris puts it, 'a woman of many parts'.

“It is quite remarkable that someone who lived so long ago is still setting the terms for discussion. I can't think of any other academic subject of which that is true.”

Vernon Bogdanor FBA on A.V. Dicey FBA

For more information

The *Great Thinkers* podcast is available via the British Academy website at www.thebritishacademy.ac.uk/great-thinkers, as well as on Spotify, Apple or wherever you listen to your podcasts.

“Beatrice Webb’s greatest and most positive impact has been on social welfare. She transformed the lives of many people in this country.”

Jose Harris FBA



The sociologist and social reformer Beatrice Webb (1858–1943), who was the first woman to be elected a Fellow of the British Academy, is discussed by Professor Jose Harris FBA.

Looking back at the British Academy Summer Showcase 2019

Eclectic exhibits designed to educate, entertain and inspire

In June 2019, the British Academy opened its doors to the public for its annual Summer Showcase. Around 2,000 members of the public, school pupils, and VIPs came to this free ‘festival of ideas for curious minds’.

Visitors to the Summer Showcase were able to watch theatre and dance performances by leading British companies, immerse themselves in 3D experiences of ancient towns and cities, create art inspired by new research, try their hand at using early stone tools, and discover many other ways in which the humanities and social sciences are helping to shape our understanding of the world around us.

Researchers representing 15 British Academy-funded projects spoke to guests and explained what they had learned through their research about the origins of technology, the uses of everyday philosophy, the relationship between art and wellness, and much more.

Schools out for the Summer

On the first full day of the Summer Showcase, over 200 pupils – from schools both inside and outside of London – spent time at the British Academy with some of the UK’s most popular public figures in the humanities and social sciences, who shared their thoughts on what the future holds for students of these vital and evolving disciplines.

Historian and broadcaster Dan Snow spoke to archaeologist Raksha Dave about archaeology’s latest insights about humanity. He also spoke to Professor Lewis

Dartnell about how humankind has been shaped over millennia by our planet’s volatile natural history, and to Heather Shore about her research into the youth street gang activity in the 19th century.

Visitors also heard from Professor Sarah Churchwell about the rise of fake news, and from lawyer Kathryn Perera about the exciting twists and turns of her legal career.



Indigenous culture, electronic art

Visitors to the British Academy Summer Showcase 2019 were able to meet Dr Thea Pitman, her co-researchers and the artists who created Arte Eletrônica Indígena – indigenous electronic art – while working with indigenous communities in Brazil. Visitors were invited to listen to a contact-sensitive fishing net that recreates an ocean soundscape when touched, interact with projections of indigenous body painting motifs, and talk to an earthenware pot that responds with indigenous songs and stories.

Mangtxai Silva, whose work 'Pulsation' appeared in the UK for the first time at the Summer Showcase, says that exhibiting her artwork and representing her indigenous culture 'is a sort of cultural occu-

pation. Today we are recognised as being indigenous more through our culture. If we don't show off our culture, we're not recognised as indigenous. If I am dressed in my traditional clothes, showing off my indigenous culture, many people will see that I'm indigenous, and they'll be curious and ask me questions.'

Thea explained: 'The project to co-create electronic and digital art with indigenous communities has been an ingenious way of challenging cultural stereotypes that still persist in Brazil and beyond, which presume you can't be indigenous and use new technologies such as mobile phones or computers. And it has also been an important way for these communities to gain visibility as they have travelled to major cities in Brazil, and now here in the UK, to exhibit their works, and enter into dialogue with the visitors to the exhibitions about what it's really like to be indigenous in the 21st century.'

'The artworks themselves are, of course, more than just a vehicle for making visible the indigenous communities and their concerns. The process was almost alchemical, as the community and visiting artists worked together to create pieces that find new ways to express indigenous knowledge, practices and forms of representation.'

'Indigenous communities in Brazil are currently in the news because of the worsening conditions for them in their territories – increasing environmental destruction, and hostility towards their cultures – and this exhibition has to be seen in that context. It is a powerful way of sending out to the world a message of creativity and resistance, regardless of prevailing political conditions.'

Dr Thea Pitman is Senior Lecturer in Latin American Studies at the University of Leeds. She received a British Academy / Leverhulme Small Research Grant in 2017.



Re-thinking illness through art

Dr Stella Bolaki's exhibit asked the question: 'Can artists' books transform the way we think about health, wellbeing and illness?'

She explained: 'Society's treatment of the chronically ill is a knotty issue, but by looking at art created by patients with life-threatening illnesses – including these beautiful artists' books – there are great discoveries to be made about improving the lives of patients with chronic or terminal illness.'

'In 1989, when she was diagnosed with breast cancer, Martha Hall started a movement among chronically ill patients to carefully craft artists' books that record, document and illustrate their experience of illness in deeply personal ways. I con-

sider her one of the pioneers of self-care, who will inspire moving and fascinating works by other artists.'

Featuring multisensory works by contemporary artists, the exhibit explored this vital intersection between art and science. Visitors to the Summer Showcase were invited to view and handle artists' books, learn about the lives of the makers, and craft their own book to take home. 'The purpose of the exhibit was to excite more people about the possibilities of the medical humanities and demonstrate how much they have already contributed to shaping our understanding of chronic and terminal illness.'

Stella is Reader in American Literature and Medical Humanities in the School of

English at the University of Kent, and the author of *Illness as Many Narratives: Arts, Medicine and Culture*. She was awarded a British Academy/Leverhulme Small Research Grant in 2016–17 for her project 'Women's Writing and Health: The Material Power of Artists' Books'.



A Fun Palace for London

In the 1960s, theatre director Joan Littlewood and architect Cedric Price developed a utopian vision for a 'Fun Palace' in London. Inspired by the lost Thameside pleasure gardens of centuries past, the Fun Palace was intended as a space where working-class Londoners could participate in the delights of the new age, play with technological gadgets, and create their own art. To promote the idea, Littlewood produced a film called *Pleasure* (1964), featuring Victor Spinetti, Brian

Murphy and Barbara Windsor as clowns, and captured the different ways Londoners enjoyed themselves at the time. The Summer Showcase exhibit by Dr Luke Dickens gave visitors the chance to watch an experimental sequence of the surviving film footage, and recreated for the first time an original display designed by Littlewood and Price for the film's launch party.

There was also a 'unique' live performance - 'You call this pleasure!' - draw-



ing on the scripts from the film *Pleasure* and the rabble-rousing speeches that Littlewood gave to promote her vision for the Fun Palace. The short sketches were performed by members of the youth theatre at Theatre Royal Stratford East, where Littlewood had been founding Artistic Director.

Luke Dickens is Lecturer in Urban Futures at King's College London. His research project, 'The Fun Palace and the Future City: Youth Work, Utopia and

the Re-imagining of London's East End', was funded by a British Academy/Leverhulme Small Research Grant. 'I'm hoping to bring to life my research about the film, and provide new insights into this fascinating stage of Joan Littlewood's career. I want to show that Littlewood was not only a pre-eminent theatre maker, but an important if overlooked urban visionary.'





What's in an accent?

Dr Patrycja Strycharczuk shows a visitor how to take an ultrasound scan to demonstrate the tongue in action during speech. Patrycja's exhibit – 'What's in an Accent?' – demonstrated how the tongue moves when you speak, and how this can reveal the physical differences between accents and the processes that allow accents to change from generation to generation. Patrycja is Lecturer in Linguistics & Quantitative Methods at the University of Manchester; she was a British Academy Postdoctoral Fellow from 2013.

Turkish delight

Dr Işıl Gürsu and Dr Lutgarde Vandeput reveal the Greek and Roman ruins in the beautiful Pisidia region of Turkey. Using VR headsets, visitors to the Summer Showcase could see the theatres, village houses and other ancient buildings in their full splendour, as they would have appeared when they were first built. Işıl is Cultural Heritage Management Research Fellow at the British Institute at Ankara (BIAA) and Lutgarde is the Director. The BIAA is using the rich heritage and archaeological interest in the Pisidia Heritage Trail to benefit the local communities economically. The BIAA is one of the British International Research Institutes that are supported by the British Academy.

Text by Sean Canty



Tom Phillips in the British Academy

Martin Kemp explains the fascination of an artist whose work adorns the walls of the British Academy



Martin Kemp is Emeritus Professor of the History of Art, at the University of Oxford. He was elected a Fellow of the British Academy in 1991, and is a member of the Academy's Art Committee.

Tom Phillips (b. 1937) is a phenomenon. He resists definition. In the visual arts, he paints, sculpts, draws, makes prints in diverse media and composes collages from a wide range of sources. He designs verbal graphics, mosaics, tapestries, quilts, stage sets, coinage, medals and public projects. He has created visual accompaniments for various kinds of literary text. As if this is not enough, he is a poet, translator and librettist. He has served as a teacher, critic, curator, active Royal Academician, Trustee of the British Museum, and Slade Professor at Oxford. He is an avid accumulator of objects and images, including African art and postcards. Not least, he is a well-regarded composer of opera and other genres of music. In 1966 he co-founded the Scratch Orchestra with Cornelius Cardew, and has collaborated with Brian Eno, who was one of his students. His wide learning, fierce literacy, linguistic fluency and searching intelligence mark him as an exceptional artist in his own time, and set him in a tradition that extends back to the Renaissance.

His first degree was in English Literature and Anglo Saxon at St Catherine's College, Oxford. He attended life drawing

classes at the Ruskin School in Oxford and subsequently studied at the Camberwell College of Art. He rose to prominence in the 1960s and 1970s alongside artists who are often characterised as belonging to the 'Pop' generation, such as David Hockney, Eduardo Paolozzi, Peter Blake, and Joe Tilson (all represented in the British Academy's collection of artworks on display). He shared their relish for comics (particularly American) and the popular imagery of consumer culture, but the sheer diversity of his productions always took him far beyond the scope of Pop Art. He characteristically works with networks of visual and verbal associations in a way that is evocative and open, rather overtly illustrative, consciously allowing the spectator a generous degree of imaginative scope.

Alongside his diverse projects and great variety of commissioned works, there have been enduring projects that have spanned many years. The most persistent of his enterprises has been the remarkable *Humument*, a graphic and pictorial 'treatment' of a forgotten Victorian novel. In 1966, Tom Phillips set himself the task of purchasing the first second-hand book he could find for three-

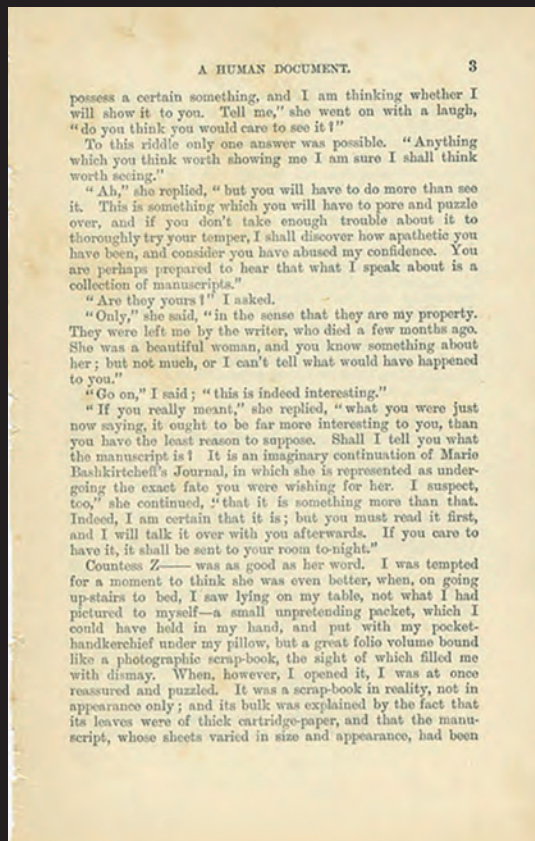
pence and then transforming it into an entirely new version. The book he found was *A Human Document* by William Hurrell Mallock, published in 1893. On every page, Phillips has obliterated the printed text with painted, collaged and graphic interventions, allowing just a few words to survive in erratic speech bubbles, sometimes linked together by meandering channels of white paper. Mallock's fat narrative has been replaced by a laconic and elusive form of concrete poetry, in which the author's original characters have been joined by the mysterious 'Bill Toge', wherever permitted by the original text. *A Humument* was first published in 1973. Since then, Phillips has continued to transform, revise and develop it – there are now six versions.

Shown here on the left is page 3 of Mallock's original *A Human Document*. On the right is page 3 of Phillips's 1984 version of *Humument*. An image of a book written in a wholly unknown script, over traces of Mallock's original text, spews its illustrations as an unappealing torrent across the ghostly remains of the printed page, while the surviving words allude to

a book within the book: 'for photo dismay ... my pillow-book; the puzzled sheets ... my pocket-volume bound in reality'. Each of the 367 pages is subjected to a comparably individualised treatment in an astonishing variety of modes, devoid of repetition or formula. It is a visual and verbal achievement of the very highest order, which has unsurprisingly been the subject of much analytical attention in academia.

The most recent of the various formats and editions of *Humument* appeared in 2016, which Phillips then saw as the culminating version, after 50 years.

Tom Phillips is a phenomenon. He resists definition.





Professor Martin Kemp FBA (left) visits artist Tom Phillips to discuss his illustrations for Dante's *Inferno*.

Dante's *Inferno*

Tom Phillips's other mega-project was a new translation of Dante's *Inferno*, first published in 1983. His mode of translation was both direct and imaginative. He set about providing a set of accompanying images (rather than literal 'illustrations' in the traditional manner). He selected key motifs in Dante's compelling narrative of the poet's extraordinary journey through the tiers of hell under the guidance of Virgil. It was a huge undertaking: 33 cantos, 432 pages, and 139 images. In 1990 it provided the basis for *A TV Dante*, a video edition realised in partnership with Peter Greenaway and exploiting new electronic resources.

Of the 139 images that Tom Phillips produced to accompany the text, the British Academy has prints of 39 on display in its Reading Room. In February 2019, I visited the artist to talk about the illustrations. Phillips's work on the *Inferno* was originally published as a limited signed edition, and was quickly recognised as one of the greatest artist's books of the 20th century. Subsequently it was made available in a popular edition by Thames

and Hudson; it is this version that we flicked through over a cup of coffee in his kitchen.

I observed that, in constructing the illustrative prints for the book, Phillips had employed an amazing range of techniques and visual references, including icons, medieval art, Celtic art, Renaissance art, book frontispieces, Doré, Blake, art deco, fashion magazines, board games, playing cards, Surrealism, Picasso, scientific illustration, film, TV, pop collage. He agreed: 'That is because I borrow from anything, anywhere – I steal and borrow. I am addicted to collage: it is the thing I most enjoy doing. I don't know why.'

The opening portrait of the great poet epitomises the intricate cleverness of Phillips's approach. Based on a frescoed portrait of Dante from the workshop of Luca Signorelli (c.1450–1523) in Orvieto, it translates the pictorial qualities of the original into flat areas of tone and colour reminiscent of the inlaid woodwork of a Renaissance *intarsia*. In our conversation, Tom Phillips agreed with that comparison: 'Yes, that is absolutely accurate. But then, because it is all done according

to the golden section, every moment, like the top of the thumb or the edge of the hat, lies on a particular point that the golden section says is important. I don't think I have ever done anything as complex as that before or since – although it ends up just as an image of Dante'.

Amidst the detailed iconography of the Dante portrait, we may note the poet's index finger pointing to the word 'DVX'. This alludes to a passage in *Purgatorio* 33: 'a time in which, dispatched by God, a 500 and 10 and 5 will slay the whore'. In Roman numerals the numbers are expressed as DVX (= Latin 'dux'), in anticipation of a great 'leader' who will transform everything. Phillips revealed: 'Those are my hands. It is quite difficult to draw your other hand, but I gave it a try. I was pretty proud of those hands, I'll have you know'.

2 This technique was particularly favoured for *studioli* of the kind that inspired Patrick Hughes's relief in reverse perspective that also forms part of the British Academy's collection. See Martin Kemp, 'A study of the studiolo', *British Academy Review*, 25 (February 2015), 37–39.





As with the *Humument*, any single example from the *Inferno* will exemplify Phillips's sheer variety and virtuosity. His evocation of *Artificial Intelligence*, conceived in the 1980s, is notably prophetic. A monstrous figure looms in a fragmented landscape that is illuminated luridly by an eclipsed sun. The giant's features are formed from a computer chip. Vulture-like birds gather darkly over a doomed book in the lower left. Dwarfed in the other corner is a tender youth in a Romanising outfit – collaged from an unknown source – whose vulnerable humanity is under obvious threat. The enigmatic text in the upper right reads, in *Humument* fashion: 'insensible under the surface made not to think turned to thought machinations'.

The fine space of the British Academy's Reading Room in Carlton House Terrace is enriched by Tom Phillips's prints from the *Inferno*. It is difficult to think of any pieces of visual art that could resonate more deeply with the spirit of humane learning that is served by that room and which is the focus of the Academy's mission.

The British Academy's Reading Room in Carlton House Terrace is enriched by Tom Phillips's prints from the *Inferno*.



From the Archive

**The British
Academy, and one
hundred years of the
Union Académique
Internationale**

The Union Académique Internationale was founded in 1919, to foster co-operation between national academies working in the fields of the humanities and social sciences, in particular through major long-term collaborative research projects.

1899: the founding of the International Association of Academies

But this wasn't the first time that such a body had been established. Twenty years earlier, in October 1899, representatives of the principal academies of the world met at Wiesbaden to discuss the formation of an International Association of Academies, covering all areas of academic enquiry. Indeed, it was at that meeting that it was realised that, while Britain was appropriately represented in 'Natural Science' by the Royal Society, there was no British academy that could represent 'Literary Science'. And that realisation ultimately led to the establishment of the British Academy by Royal Charter in 1902, so that British scholarship in the humanities and social sciences could be represented at an international level.

Alas, the cataclysm of the First World War effectively swept away the International Association of Academies.

1919: the founding of the Union Académique Internationale

In the aftermath of war, the Académie des Inscriptions et Belles Lettres in Paris produced proposals for setting up a 'Union Académique Interalliée pour les Recherches d'Archéologie, de Philologie et d'Histoire'. These proposals were discussed by the British Academy's Council at its meeting in April 1919. The minutes of that meeting record the Council's recognition that the International Association was 'no longer in a state to fulfil most of the functions for which it was called into existence'. The minutes go on to affirm that

the Academy wished to continue the fullest co-operation with France and the other civilized countries of the world, yet doubts were expressed as to the expediency of founding at the present time a new permanent organization based in the first instance upon the alliances founded for the purposes of war.

And in the letter sent by the British Academy as a response to the French proposals, it was explained that

We are particularly anxious to avoid

'We look forward to a time, and we hope it may not be a distant time, when all those who are concerned in the pursuit of human studies whatever their nationality, will be able to work in concord and mutual respect.'

The British Academy, 1919.

the possibility of Europe being divided into two intellectual leagues, in which the Allied countries would stand on the one side and Germany and the neutrals on the other.

In spite of these British reservations, the idea of setting up a new 'Union Académique' was gathering momentum. At its meeting in July 1919, the British Academy's Council had before it the draft statutes of the proposed federation, arising from a preliminary conference that had been held in Paris in May. In its response to these developments, the British Academy still expressed its hope for a happier, less divided future:

We look forward to a time, and we hope it may not be a distant time, when all those who are concerned in the pursuit of human studies whatever their nationality, will be able to work in concord and mutual respect. We cannot contemplate a Europe divided for all time into hostile camps and unable to co-operate in the pursuits of scholarship, yet we recognise that time is necessary to heal the wounds that have been inflicted.

But, seeming to bow to the more immediately inevitable, it continued:

Pending the time when it may be possible to re-admit Germany and Austria into the fellowship of civilised nations, the British Academy is prepared to enter into a Union for the cultivation of international scholar-

ship such as is proposed by the Académie des Inscriptions.

In October 1919, the President of the British Academy, Sir Frederic Kenyon, attended a meeting in Paris at which the Union's statutes were revised and adopted. And when the British Academy's Council received an account of that meeting in January 1920, it formally confirmed its adherence to the new Union Académique Internationale.

1939: hosting the Union Académique Internationale

Twenty years after its foundation, the annual meeting of the Union Académique Internationale was hosted by the British Academy in London. This would be only the second time the annual meeting had been held outside Brussels (in 1935 it had been held in Copenhagen).

The following account of the occasion, held on 8–11 May 1939, was subsequently published in the British Academy's Annual Report for 1938–9:

The following countries were represented: Belgium, Denmark, Finland, France, Germany, Great Britain, Holland, Italy, Japan, Norway, U.S.A., Yugoslavia. The Polish delegates were prevented at the last moment from coming by the disturbed political situation. ... After the opening session on Monday, 8 May, the rest of the day and the whole of Tuesday were occupied by the meetings of the

separate committees concerned with the several projects of the Union. On the evening of 8 May an informal reunion of delegates and the ladies accompanying them was held in the Athenaeum Club Annex at 6 Carlton House Gardens. On Wednesday most of the delegates and their ladies visited Oxford, where arrangements had been made by the President for them to be guided to various places of interest. The Vice-Chancellor entertained the whole party, together with a number of Oxford Fellows of the Academy, to luncheon at Magdalen, and the President received them for tea in the Provost's Lodgings at Oriel. In the evening H.M. Government entertained the delegates and a large number of Fellows of the Academy, with their ladies, at dinner at Claridge's Hotel. The Earl De la Warr, President of the Board of Education, presided and proposed the toast of the Union, to which Mr. Leland [UAI President] and M. Bidez replied, and Sir D. Ross wound up on behalf of the Academy. The final plenary meeting was held on the morning of Thursday, 11 May.

In his Presidential Address to the British Academy's Annual General Meeting, in July 1939, Sir David Ross reported that

There is ample evidence that the visitors enjoyed and appreciated their entertainment both in London and Oxford; and the dinner given by the Government to the members of the Union and the Fellows of the Academy supplied the Academy with some of the publicity which many of the Fellows have for some time desired that it should have.

The Union would not meet again until after the Second World War – but, unlike its predecessor, it did survive.

2019: the British Academy and the Union Académique Internationale now

One hundred years after the Union was founded, the British Academy continues to contribute to its long-running collaborative research projects. These projects typically tackle large bodies of primary source materials – whether texts or artefacts – and make them accessible to scholars through editions or illustrated catalogues.

Endeavours to which the British Academy continues to contribute a British dimension include projects to catalogue ancient Greek vases and ancient Greek coins in museum and other collections, and to catalogue all the surviving examples of medieval stained glass.

The British Academy's most recent publication in a series that comes under the overall umbrella of the Union Académique Internationale is *Writing the New Nation in a West African Borderland*, edited by Kate Skinner and Wilson Yayoh, published as part of the *Fontes Historiae Africanae* (Sources of African History) project. This innovative book prints facsimiles and English translations of a small independent newspaper issued in the Ghana-Togo border area around the early 1960s – throwing new light on the story of decolonisation and the era of new nationhood.

Text by James Rivington

Image right

The first page of the 2 May 1960 issue of *Ablɔɔɛ Safui* ('The Key to Freedom'), published in the *Ewe* language by Holiday Komedja. The first article, headed 'The new Togo government', starts: 'The whole of Togo is in the hands of the new government. Children of freedom! This April 27, 1960, Togo will become ours completely; do not be afraid!' Facsimiles and English translations of issues of this newspaper are published in the British Academy's latest addition to the *Fontes Historiae Africanae* (Sources of African History) project – one of the long-term undertakings that the Union Académique Internationale helps co-ordinate internationally.

ABLODE SAFUI

<p>N° 26 du 2/5/60. Efc asi 10 frs</p>	<p>TEFE LI NA GBFADEDEWO dɔwɔwɔ, kugbefa, nudzadzra le goawo ken fomevi me</p>	<p>GOMEDOLA KPLE KPLOLA Holiday V, K, KOMEDIA Avenue de Kloute Palime</p>
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Nyatefe nye xexeam fe kekeli, simadze amedekui bua amegbeto fe nyenye le nudesiade me



M. K. K. K.

TOGO DEIDUDU

YEYE LA

(Togo blibo la katãa nye kem le dzidudu yeye la sime : Ebe : Ablo-deviwo ! april 27, 1960 sia la, Togo la zu miato keŋkeŋ, vovo deke mele o! Ebe : dekawowo blibo nano anyigba la me; futifafa, dowowo na denyigba la. Dè siwo le dukowo dome nade da kefi. Do le figo na mi elabona awa mevo o ! Mia ŋli hena dekawowo sia, be mia vo akpo dzidzeme, awo do na mia dèdu la hena efe figoyi. Oo ! nye denyigba lolãa ma buo eye nye maŋlo wo be gbeɛe o!)

Mayi edzi na mi be : april 27, 1960, si fe aseye tsotso le nyanyame na mi xoxo la, mawu eme na mi be : Dudola gãa ŋu agbo la tso gedzefe yi getodofe, dzie he yi anyiehe esi woe be Togo fe kakee go há ma bu o, maga teŋ buo eye mava bu há o! Dzoŋbenyue na Togo, Dudola gã nano agbe tegbee.

TOGO XO EEE DOKUISINONO BLIBO

LOME : KPOKPLOYI DE ENIE.

Enye Mawu fe amenuveve gãa de nam be : newo deka kple Lomé dukowo april 23 1960.

(dziyiya axa 2)

Twenty years of the ‘British Academy Review’

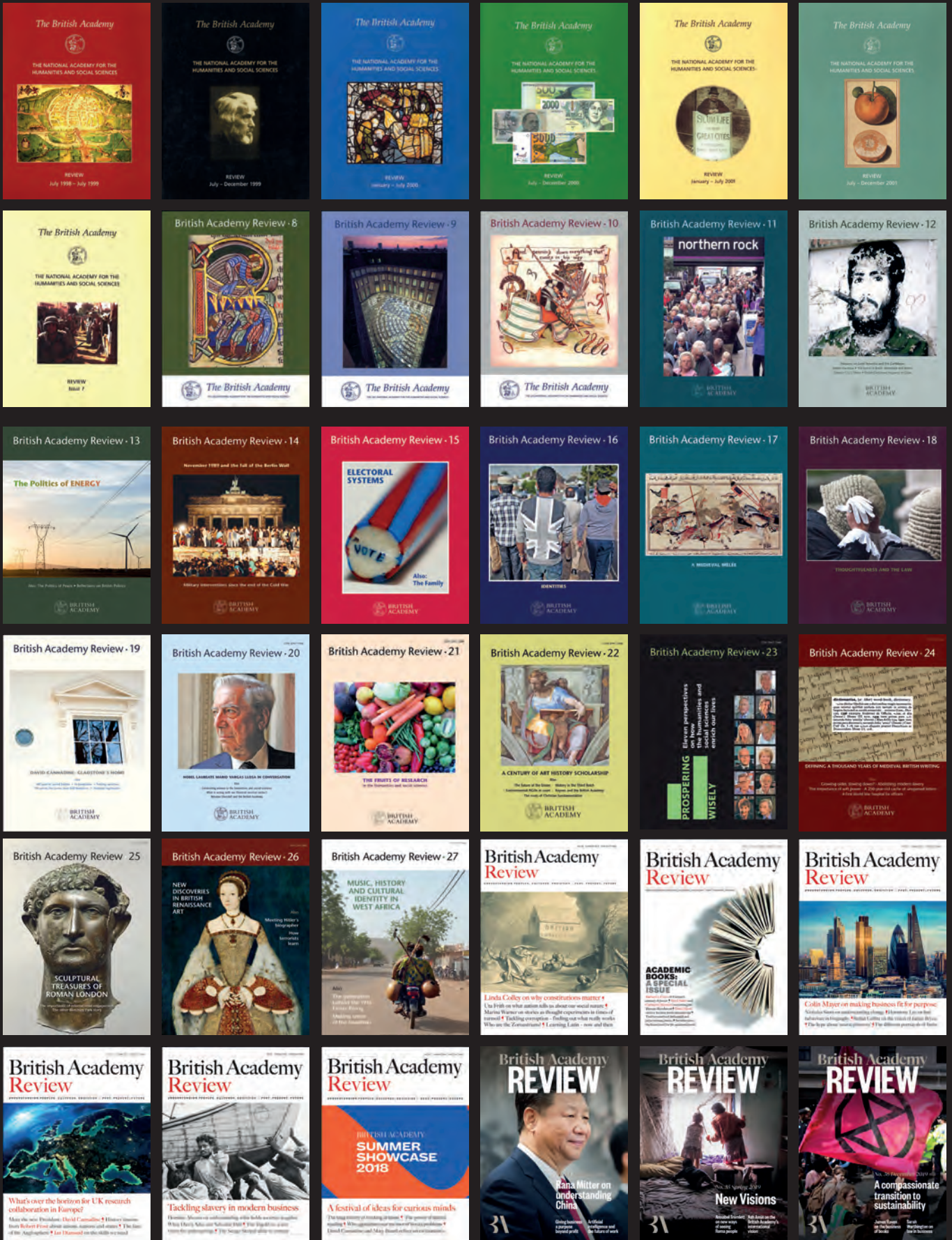
In autumn 1999, the British Academy published the first issue of its new *Review*, to provide ‘a regular account of its activities’.

The Foreword to that first issue explained: ‘The origins of this new publication lie with the Fellows of the Academy, who expressed the wish to have a vehicle for promoting the role of the Academy more widely. This *Review* is therefore aimed at a general audience, as well as the Fellowship. It will, cumulatively, fulfil the function of providing a conspectus of the Academy’s activities hitherto covered by the Annual Report.’

Over the last 20 years, the *British Academy Review* has evolved in its content and design, but it has continued to tell the Academy’s story to all those who are intellectually curious.

Further reading

Past articles in the *British Academy Review* can be found via www.thebritishacademy.ac.uk/review



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