



Desmond Greer

The Hamlyn Trust

The Hamlyn Trust was created in memory of her father, a solicitor and Justice of the Peace in Torquay, by Miss Emma Warburton Hamlyn. She was a woman of strong character, well-versed in literature, music and art, and a lover of her country. She inherited an interest in the law and, on her travels, studied the law and ethnology of the many countries which she visited. On her death in 1941, she bequeathed the residue of her estate in terms which required clarification by the Chancery Division of the High Court. In November 1948, the court approved a scheme for the administration of a trust, the object of which was to further knowledge and understanding of the law, including 'the comparative jurisprudence of the chief European countries', among the people of the UK, 'to the intent that the people of the United Kingdom may realise the privileges which in law and custom they enjoy ... and recognise the responsibilities and obligations attaching to them'. The trustees were to represent all parts of the UK.

The trust's 'objective is achieved primarily by an annual series of public lectures by distinguished judges, legal

practitioners, academic lawyers and other eminent speakers. The first of these lectures, on 'Freedom under the Law', were given by the Rt Hon Lord Justice Denning (as he then was) in 1949, and the 50th series of Hamlyn Lectures will consist of three lectures on the general theme of 'Freedom, Law and Justice' to be given in November of this year by the Hon Mr Justice Sedley. On account of the trust's special connection with south-west England, these lectures will be given as follows:

- Thursday, 12 November: Faculty of Law, the University of Southampton
- Thursday, 19 November: Faculty of Law, the University of Bristol
- Thursday, 26 November: Faculty of Law, the University of Exeter

All the Hamlyn Lectures are published by Sweet & Maxwell Ltd.

In recent years the trustees have also set up a 'small grants' scheme (when funds permit) to provide financial support for other activities which fulfil the object of the trust, and it was this scheme which provided the basis for four special awards designed to mark the

trust's 50th anniversary in 1998. Having received a large number of extremely interesting proposals for projects of varying kinds designed to further public knowledge and understanding of the law, the trustees made '50th Anniversary Awards' to Coatbridge CAB, North Lanarkshire; Legal Services Agency Ltd, Glasgow; the Civil Liberties Trust, London, and the Centre for Criminal Justice Studies, University of Leeds. Reports on these projects follow this profile.

Emma Hamlyn could surely not have anticipated the extent to which the laws and customs of the UK would change in the fifty years or so after her death. The task for her trustees is now to determine how best her wishes may be met as these changes continue unabated in the new millennium.

A reception to mark the 50th Anniversary of the trust is being held in the Institute at 5.30pm on Monday, 26 October 1998. All friends of the Institute are welcome to attend this reception. 

Desmond Greer
Chairman of the Hamlyn Trustees.

THE HON MR JUSTICE SEDLEY WRITES:

This year marks the fiftieth series of Hamlyn Lectures. As a tribute to the first Hamlyn lecturer, Lord Denning, now in his hundredth year, the trustees have suggested that I revisit his theme of Freedom under the Law. This I hope to do under the title 'Freedom, Law and Justice', devoting one lecture to each element. Miss Hamlyn's home having been Devonshire, the three lectures are to be delivered in university venues in the south and west of England.

In the first lecture, to be delivered in Southampton on 12 November, I want to look at our ideas of freedom as an historical legacy of the constitutional upheavals of the seventeenth century, with its mainstream theory of a free society rather than simply free individuals; to relate it through Isaiah Berlin's thinking to contemporary thought and developments; and to propose a legal paradigm which gives importance not merely to the negative element of minimal interference but to a positive ideal of access to rights.

The second lecture, which I will have piloted this summer in New Zealand before delivering it on 19 November in Bristol, will look at what I believe to be the central fault-line in the modern common law, the substantive distinction drawn between the public and private. Looking, among other things, at the development of corporate identity and the ultra vires doctrine, I hope to suggest that the true concern of the common law, both historically and in the coming century, is the control of abuses of power, whether in public or in private hands.

In the third lecture, to be given in Exeter on 26 November, I will look at the bridges which modern systems of law have begun to throw across the gulf between formal and substantial justice, and to ask why equality before the law ought to be a fundamental value. I hope to consider this in particular in relation to our increasingly sophisticated understanding of indirect discrimination and affirmative action, and of some of the problems these entail.

The theme is that what matters is to have a system of justice which, precisely because it is not its role to redistribute power in society, deploys law so as to correct the abuses to which disparities of power may lead. In the new legal culture to which the *Human Rights Act* 1998 will be pointing us, this is a tradition of the common law which, it is to be hoped, will acquire fresh life.