

## **Tribute to Professor Kurt Lipstein (1909–2006)**

**In Memory of Kurt Lipstein (1909 – 2006), Professor of Comparative Law, University of Cambridge, QC, LL D, Fellow of Clare College and Bencher of Middle Temple**

### **Introduction**

On 21 May, 2010, a Symposium was held on Contractual Relations and Dispute Resolution at Gillespie Centre, Clare College, the University of Cambridge. Following the late Professor Kurt Lipstein's educational and academic passion, this event was conceived to offer a much needed arena for aspiring scholars to test their new ideas.

On the day of the symposium, each young scholar's condensed presentation was followed by knowledgeable comments by leading practitioners and academics in the field. We are extremely grateful to the distinguished Chairpersons and Commentators for their deep insight, as well as to the sponsors for their generous financial support. The articles in this Special Edition include revised versions of the papers that were presented at the symposium and the contributions by the inspired commentators. One young scholar, who was not able to present on the day, also contributed. We would like to thank the European Business Law Review for agreeing to publish this Special Edition and for the efficiency in carrying that out.

This issue represents the first of the two parts of the symposium and deals with issues in Contractual Relations. The articles concerning Dispute Resolution will appear in the Issue 1 of the Volume 23 in 2012.

Kurt Lipstein was born in Frankfurt on 19th March, 1909. He was educated at the Goethe Gymnasium, Frankfurt; the University of Grenoble (1927); Friedrich Wilhelm University, Berlin (1927–31); and Trinity College, Cambridge (1934–6). He was instructed by his family not to return to Nazi Germany because of his Jewish origins. From 1937 onwards, Harold Gutteridge, Professor of Comparative Law, paid Kurt from his own pocket to give 'supervisions' (small group classes for undergraduates) in Roman Law, Public International Law, and Constitutional Law. In this way, Kurt got by.

In 1940, still resident in Cambridge, he was interned as an enemy alien and sent to camps at Bury St Edmunds and Liverpool. The University of Cambridge secured his release later that year, and he returned to Cambridge where he was given membership of Clare College, becoming a Fellow in 1956.

In 1946 he was appointed as a lecturer in the Faculty of Law, becoming Reader in the Conflict of Laws (1962), and later Professor of Comparative Law. He retired from his Chair in 1977, but continued to give supervisions in Roman Law for various colleges until Michaelmas Term, 2006 (when he was 97). He died 2 December, 1909.

Apart from his extreme courtesy and old-fashioned manners (he refrained, for example, from addressing students by their first names), Kurt was renowned for remarkable learning in many branches of the law, ancient, modern, English, foreign, comparative, and international. He was a great teacher and a meticulous author, publishing works of high distinction in many legal areas, including the law of the European Economic Community (as it was then known, in which he was a pioneering author in the English language). A one-man Tower of Babel, he was accomplished in many languages: Latin, Greek, English, German, French, Spanish, and Italian. He was also a devoted family man. Moreover, he constantly encouraged young scholars, including those attending the Summer Course on English Legal Methods (founded by him in the late 1940s, and which still flourish under the expert custodianship of Dr Roderick Munday, Peterhouse College). Other highlights include: The Hague Lectures in 1972 (private international law); Bencher of Middle Temple; LL D (Cantab) (1977); Honorary Queen's Counsel (1998); membership of the Institute of International Law; Honorary Fellow of Wolfson College, Cambridge. In fact he received his QC from Lord Irvine, the Lord Chancellor, a former student. Sir Rupert Jackson (Lord Justice of Appeal), another former student, has kindly contributed to this collection of papers.

Neil Andrews, Clare College, Cambridge, December 2010