

RSTJM -

Did you see this article?
I guess Fritz decided to
write for Canadian Lawyer
& get paid instead.

Pathe.
11 Dec 84

M = G. I.

Char. Fisher Langdon
(514) 845-8488.



Faculty of Law UNIVERSITY OF TORONTO

78 Queen's Park Toronto Canada M5S 2C5

January 18, 1994

Professor John P. Humphrey
Faculty of Law
McGill University
3644 Peel Street
Montreal, Quebec
H3A 1W9

Dear John,

Herewith a copy of the letter from David Corbett of 19 December, 1993, a copy of a letter from Frank Scott dated November 14, 1979, two copies of your own splendid remarks on Percy Corbett, a copy of my letter to John Hobbins dated January 18, 1994, and a copy of a letter from David Corbett to Kathy Fisher of 12 October, 1992.

I am determined to do everything I possibly can to assist in having your remarks on Percy published at McGill, and if you think it would be useful for me to communicate personally with the Principal I will do so immediately after hearing from you. To fail to publish your remarks borders on professional negligence in my opinion. Nobody can write about Percy without taking your remarks into account and that can only be done if they are published.

In great haste, but with most cordial good wishes to you and to Margaret, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/mys

Enclosures

(6, including "Wang Tieya: Persevering in Adversity and Shaping the Future of Public International Law in China")



January 18, 1994

Mr. John Hobbins
Office of the Chief Librarian
McGill University
845 Sherbrooke Street W.
Montreal, Quebec
H3A 2T5

Dear John,

Is there not some way to get the attached published at McGill?

As you will see, it is a tribute by John Humphrey to Percy Corbett, a statement that is extremely important for anyone interested in the teaching of international law at McGill and in Canada in general. Humphrey's comments on Corbett are essential for anyone interested in the development of international law in our country.

I have spoken to John on several occasions about this matter and he, of course, is extremely anxious to have his remarks see the light of day in a McGill publication. I have myself written to the editor of The Martlett and was astonished to have her write back saying there was no interest.

John, you are one of the few people at McGill, indeed in the country, who knows how important these few pages are for the record. Could you not speak to someone at McGill with a view to ensuring that John's remarks are published in an appropriate place? Perhaps you can give John himself a call at home.

With personal good wishes, and with my congratulations on your last article in Fontanus, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/mys

P.S. As you may know, Percy's son, David, (in Australia) is, with the help of Kathy Fisher, writing a biography of Percy.

November 14, 1979

R. St. J. Macdonald, Q.C.
Professor
Dalhousie Law School
Halifax, Nova Scotia
B3H 4H9

Dear Ronald:

How about this for your references to Percy.

"I had the privilege of a close relationship with Percy Corbett first as a law undergraduate at McGill, and later as his colleague on the staff of the Faculty. To be his student was to be exposed to the mind of a first-rate scholar, a Fellow of All Souls, Oxford, and legal adviser to the International Labour Office in Geneva; to be his colleague was, in addition, to share in his work for improving legal education at McGill and in Canada, and for re-defining the University's role in the post-war world. His deep concern for world politics and law gave vision and breadth to all his thinking and writing. Many of us at McGill hoped that he would be named Principal after Sir Arthur Currie died, but the Board of Governors thought otherwise and we sadly saw him leave Canada for the United States, in 1936, having lost hope of moving the McGill Administration in the direction he wished it would take. His intellectual brilliance was matched by a warm, gracious and engaging personality, an excellent companion at the dinner table or in talk with friends."

Ca va? Come to lunch with me soon. Very glad you are doing this piece. And many thanks for Mandelstam.

Sincerely,

Frank

F. R. Scott

P.S. Percy said to me one day "Frank, I have shaken the dust of McGill off my feet and I will never enter the place again." This shows how strongly he felt about the Governors. But I know also he found the paucity of material in our library hard to accept, and by this time (1936) the Rockefeller people were after him. He became a U.S. citizen.

Not for publication

Postscript to letter from F. R.
Scott to R. St. J. Macdonald
dated November 14, 1979

Not for publication

Percy said to me one day "Frank, I have shaken the dust of McGill off my feet and I will never enter the place again". This shows how strongly he felt about the Governors. But I know also he found the paucity of material in our library hard to accept, and by this time (1936) the Rockefeller people were after him. He became a US citizen.

Thank you Percy Corbett

Percy Elwood Corbett was born on 20 December, 1892 in Tyne Valley, Prince Edward Island, the son of an itinerant clergyman. When he died ninety-one years later, he had gained an international reputation as a scholar, writer and international lawyer.

And although he had become an American citizen - like too many gifted Canadians - his name will probably go down in history as one of Canada's greatest legal scholars.

It was when I was a student in the McGill Law Faculty, where he was then the dean and professor of Roman and international law, that I first knew him. By that time he had already had a distinguished past. For after having himself studied at McGill he had gone to Oxford as a Rhodes scholar, had later been a fellow at All Souls College in the same university, had served in the First World War as a lieutenant in the Royal Highlanders of Canada, was wounded and awarded an M.C. and, just before taking on the deanship at McGill had been the assistant legal advisor in the International Labour Office. Small wonder that his students, including myself, were somewhat awed by this scholar turned international official turned university dean. His course in Roman law was also the toughest in the faculty; and if you flunked in it your legal career was at an end. There was a tendency indeed to put "Pec" down as a somewhat cold intellectual.

It was only a few years after my graduation that I really got to know the man. Although far removed from my law practice, I became interested in international law to the point that I decided to do some graduate work in the field. I talked to Dean Corbett who agreed to help me. He went so far indeed as to devote the better part of an evening every week to the gratuitous job of tutoring me. I didn't know at the time that he was planning to leave McGill and that he was looking for someone to take over his lectures in Roman law and eventually in international law. When the university offered me a job as a junior lecturer, I accepted with alacrity. He also helped me in other ways. Amongst other things he helped me obtain a fellowship from the Carnegie Endowment for International Peace, with which he had a close relationship. This made it possible for me to study for a year at the Sorbonne in preparation for my new job.

On my return from Paris, Percy - we were very soon in a first name relationship - and I became close friends and I learned something more about his true character which far from being coldly intellectual was essentially warm and generous. I remember with special pleasure the summer I and my late wife spent in Percy's farmhouse on Lake Memphramagog, Percy and his family having moved into a new house closer to the lake. That summer we had also driven together to Washington to attend the annual meeting of the American Society of International Law. We stopped off in New York where we saw the musical comedy, "You can't take it with you". People who have seen the show will

remember the character whose most common remark was, "It stinks". Shortly after that trip, Percy went to Australia to attend a meeting of the Australian Institute of International Affairs. Jealous, because I would have dearly like to go along, I sent him a telegram in San Francisco, where he was taking ship, with simply the words, "it stinks".

Percy had also somewhat changed his plans. Giving up the deanship, he decided to remain in the faculty where he would continue to teach international law; but as agreed I took over the teaching of Roman law. Not long after that however he became for a year, after the departure of Principal Morgan, the principal of the university in everything but name. He should have been named principal and Canada would have retained on his native soil one of our most distinguished scholars. But university politics dictated otherwise; and when a new principal was recruited, Percy left Canada to accept an appointment at Yale from whence he later went on to Princeton. He was already better known in the United States as an outstanding jurist than he had been in Canada, something that may have been a factor in his decision to expatriate himself. His reputation grew with the years as more and more books under his name were published; and at the time of his death he was universally recognized as one of the world's top international lawyers. He was however much more than a lawyer in the sense of the practitioner. For he was also a philosopher of the law. He well understood, for example, the increasing importance of individual men and women in a changing

world order where traditionally states possessed a monopoly of power and only states possessed rights or owed duties under international law. He was one of the first international lawyers to welcome the development of an international law of human rights. Percy Corbett was above all the kind of writer who made his readers think and who could help them generate new ideas. A world figure he also had appropriately a world outlook. He was a citizen of the world.

Thank you Percy Corbett for what you did for the development of an effective international law, and thank you personally for what you did for me.

John P. Humphrey, O.C.

PO Box 4
Parkdale, Vic. 3194
Australia

12 Oct 1992

Dear Kathy,

You wrote me a super letter in June, and I have been carrying it around both as pieces of paper and as a load on my conscience ever since. I did start to answer it months back, and specially to thank you for the kind way in which you told me about Agnes's last days. It brought her back to my mind so clearly, not just as she was when I last saw her three years ago but as she was sixty years ago, forty years ago, twenty years ago, at all those fabulous stages in a bright and beautiful life which I was lucky enough to observe. You will miss her and so will I. Your loss is much the greater though, and I can see from your letter how much she meant to you. Still, as you say yourself, it was time for her to go and she was willing, and in a state of grace I hope we can all find when the time comes.

I have all sorts of things to report, and I'll do so in a minute, but the first message is that our project about Percy is still fresh in my mind and I will indeed be doing my share very soon. I have had the text I had written so far transferred onto disks, and have transferred it again from the disks onto my own machine's hard disk -- I finally bought myself a useful machine last December -- and I do mean to get down to working on it again in the next weeks and months. It really won't take long to put it together and send you a copy for your comments and for you to see where the gaps are -- they're huge, especially when it comes to his contribution to international law, which after all was his big project in life.

I was fascinated to learn that you're planning to write a piece about Charlie Bourne whom I knew from his days as a student at UofT when I was there, and later, even better, when we were colleagues at UBC. He was already a true scholar and was going to make his mark in his own way, even though the dean of the law school at UBC (George Curtis) probably gave him less scope than he should have -- George was a nice guy but, I thought, not much of a mental giant -- but what would I know about such things? I hope Charlie stays well and vigorous these days. It is a long time since I've seen him. Please give him my regards if you see him or are in touch.

Why has Percy's biography taken me so long? Well, one reason is that I've produced three books in the last four years on the work I do for a living. Two of them were mere editing jobs, putting together between covers the proceedings of two conferences I had helped to organise. Though these two would probably only be read by their own authors and a few student, they nevertheless took almost as much sweat and time to

produce as a proper book. The third one is a proper book of my own; its advance copy has just reached me and I hope it will be on the bookshelves by the end of this month. It's a textbook on Australian public sector management, and I'm hoping it will contribute a bit of income to my old age, as well as contributing something to the education of the sorts of students I used to teach.

Not that I'm no longer teaching: it's just that I've changed jobs again and am working (part-time of course) at the Australian National University in Canberra, teaching graduate students from all over the world -- about fifty of them -- who are doing a masters-by-course-work degree in development administration. They have to write a longish research piece, not quite a thesis -- we call them "case studies" -- and my special role, in addition to conducting some seminars, is to supervise the case studies. Which means a lot of reading, and a lot of time with students, one to one -- the kind of teaching I like best.

I'm living in Melbourne. I commute to Canberra for three week bursts four times a year. They provide me with a comfortable flat while I'm there. Joan and Michael and our grandson William live in Canberra, so I have lots of time with them.

The move to Melbourne has all been very untidy, as is usually the case when I have to organise things. I still have the two houses in Port Noarlunga, the new one, my pride and joy, being occupied by son Peter and his fiancée Kim -- they are getting married next month. That makes two family weddings this year. Phil (the lawyer) and Sandra were married in March. It was a super wedding; I danced and drank and danced and drank until all hours -- until my knees were sore, eyes bloodshot and voice completely gone -- and it's a happy memory -- so I'm looking forward to the next big do, Pete's and Kim's wedding on November 14th at Port Noarlunga.

The Melbourne base is, for the time being, Pat's flat where she has ensconced herself these last two years in quiet comfort and small space only to have me burst in on her peace and tranquility. I had decided it was hopeless to keep on living in Adelaide when most of my work seems to be in Melbourne, Canberra, Sydney and Brisbane and I don't seem to get any work of substance in Adelaide -- much as I loved the beach and the atmosphere of my village at Port Noarlunga. This base is only temporary, however. I have bought a flat of my own, immediately above Pat's in the same building, and hope to move into it in February or so, as soon as I have sold the house(s) in Port Noarlunga. Pete and Kim have bought (i.e. got a mortgage for) a house of their own over there and are doing well in their own small business, selling scissors and clippers and stuff to beauty salons, and repairing and sharpening the hairdressers' tools of trade -- a niche market, as the management textbooks say!

And there's more great news! Probably when I wrote to your Dad I was still in the worst of my gloom about Jenny and Andrew and Daniel, the baby they lost after only a week of

life. I still can hardly think of it without going weapy, and none of us will forget. But the news is that Jenny is expecting a baby in December, a boy (the scans are all OK and reveal all!), and we've all got our hopes high again. Pat will be going over to Oxford to be with her. She leaves immediately after Pete's and Kim's wedding. So I'll be looking after four places on my own: this flat, my own new flat (the tenants are leaving soon), the two houses at Port Noarlunga, not to mention the cottage at Bright. Crazy. But much better than not being stretched to the limit. Pat plans to stay over there until Feb or Mar, visiting her sister and some cousins as well as Jenny and Andrew and the newborn.

That's the state of play up to the moment -- except that I forgot to mention that I'm writing another textbook, this time on development administration in twelve countries in Australia's region -- one of the most exciting and delightful regions in the world, after all. Percy's vision of a world of regions makes more and more sense.

Thanks for your good letter. It was cheering to know that we're still in touch and the Percy project will go ahead. Should I send you the chapters I have finished? Say the word and I'll post them off.

All the best - and thanks again.

Yours with love

David C.

FACULTY OF LAW UNIVERSITY OF TORONTO

November 10, 1995

Ms. Tamra Alexander
Stikeman, Elliott
Barristers & Solicitors
40th Floor
1155 René-Lévesque Blvd. West
Montréal, Canada
H3B 3V2

Dear Tamra,

Delighted to have heard from you and to know that all goes well.

Yes, yes do use me as a reference for your applications, on the understanding, however, that I will not have to reply to more than three or four. You can be sure I will say things that will make you blush.

I am delighted to know that the wedding was lovely, that you were pleased with everything, and that you are happy to be at McGill. Please convey my best wishes to Professor de Mestral and let us keep in touch.

On another matter, I will probably be back to you before the calendar year is out asking you to look up some material for me in the McGill Law Library. It will not be a big job -- probably 15 to 20 hours will do it -- and you will be paid at the going rate for McGill graduate students. The research is on a matter of history, namely, the start of the teaching of international law at McGill in the middle of the 19th century. I will try to stop over in Montreal to have lunch with you and to explain the project. It will be a special pleasure to see you.

With cordial good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

P.S. If you think it would be convience, you might perhaps send me a home address and telephone number; but only if that is your practice in these matters.

STIKEMAN, ELLIOTT

BARRISTERS & SOLICITORS

TELEPHONE : (514) 397-3000

40TH FLOOR

TELECOPIER : (514) 397-3222

1155 RENÉ-LÉVESQUE BOULEVARD WEST

MONTREAL, CANADA H3B 3V2

TORONTO
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NEW YORK
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DIRECT DIAL : 397-3009

October 26, 1995

Judge R. St. J. Macdonald
Faculty of Law
University of Toronto
78 Queens Park
Toronto, Ontario
M5S 2C5

Dear Judge Macdonald:

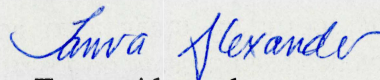
Hello! I hope that all is well with you. I wanted to drop you a short note to let you know that I am doing well, the wedding was beautiful (note that I am now Tamra Alexander instead of Hopkins!) and I am now thoroughly enjoying my experiences at McGill in the LL.M. programme. Professor de Mestral has been very welcoming and is a pleasure to work with. Thank you once again for all of your help with my application to McGill -- this year is a wonderful opportunity.

As you may have guessed from the letterhead, I am still keeping up my ties with Stikeman, Elliott. I am working part-time with the Montreal office, which is an excellent opportunity. Currently I am getting a bit of practical trade experience by assisting Glenn Cranker of our office with an anti-dumping dispute!

Although you have already helped me a great deal, I would like to ask you once again if you would mind if I used you as a reference in the future. I have been discussing the "next step" after my LL.M. is completed with a number of people and they have recommended that I try to get a temporary posting with either a Canadian, NGO or UN-type trade agency in order to continue my training. Please let me know if you would prefer I did not use you as a reference for such applications, I will understand completely.

Thank you again for all of your help. I hope that I am lucky enough to run into you shortly so that we can catch up in a less formal fashion! Please take care.

Kind regards,



Tamra Alexander

FACULTY OF LAW UNIVERSITY OF TORONTO

June 18, 1996

Ms. Tamra Alexander
609-3460 Peel Street
Montreal, P.Q.
H3A 2M1

Dear Tamra,

Just a line to say that it was a joy and a delight to have seen you in Montreal a couple of weeks ago, especially to have found you in such wonderful form, and that I hope we can meet again before your move to Ottawa.

I am so glad to know that things are going well for and with you and your husband.

As we discussed, you will try to clear up that uncertainty over dates as they appear in my paper and Roderick's, and from there on you will simply make a search of the calendars down to the present time. There is no great hurry at my end although I would like to receive even a very rough draft by September or October. Is that possible from your point of view?

I am away until early July but hope to reach you on the telephone on my return. With every good wish, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

STIKEMAN, ELLIOTT

BARRISTERS & SOLICITORS

TELEPHONE : (514) 397-3000

40TH FLOOR

TELECOPIER : (514) 397-3222

1155 RENÉ-LÉVESQUE BOULEVARD WEST

MONTREAL, CANADA H3B 3V2

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TAIPEI

DIRECT DIAL : 397-3009

November 15, 1995

Judge R. St. J. Macdonald
c/o Faculty of Law
University of Toronto
78 Queen's Park
Toronto, Ontario
M5S 2C5

Dear Judge Macdonald:

Thank you for your quick reply to my letter and for so graciously agreeing to let me use you as a reference. I am very grateful.

I would love to help you with some research at the McGill Law Library. The history of the teaching of international law at McGill sounds like a very interesting subject. I look forward to meeting with you so that we can discuss the project in more detail.

Please feel free to contact me at work or at home. My particulars at home are:

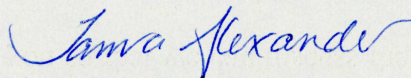
609-3460 Peel Street
Montreal, Quebec
H3A 2M1

(514) 842-9144

And if you are internet friendly, my e-mail address is alexan_t@lsa.lan.mcgill.ca.

It was great to hear from you and I look forward to talking with you soon.
Take care.

Kind regards,



Tamra Alexander

Friday Feb. 2, 1996

I reached Terry by
phone at her office
in March.

She rec'd my e-mail
material, is happy to do
the work, will soon start
and hope we can meet

in March. So, go there

to see her. You did not

spoke of money, which you must.
you need her.

FACULTY OF LAW UNIVERSITY OF TORONTO

January 11, 1996

Ms. Tamra Alexander
609-3460 Peel Street
Montreal, Quebec
H3A 2M1

Dear Tamra,

It was a great pleasure to have had a few words with you on the telephone on Sunday evening last, to have heard your voice again, and to have learned that all goes well. I am looking forward impatiently to seeing you and meeting your husbandd over a long, leisurely lunch in the near future.

I must say, Tammy, that I am terribly pleased to know that you can help me with my project.

What I am doing is trying to write a fairly long article on the history of the teaching of international law in four Canadian universities, namely, Dalhousie, McGill, Toronto and U.B.C. I will be trying to correct, improve, and expand on a four-part essay on this subject that I published in the Canadian Year Book of International Law in the 1970s. I am attaching for your easy reference the part on McGill that was published in the 1970s.

What I would like you to do is to help me to revise, correct, expand and update the section on McGill. As far as updating goes, I am attaching a draft on the recent years prepared for me by a third year law student last year. This will have to be developed further.

The place for you to begin, if you agree, is at the beginning! We need to know exactly when the first law course, more particularly, the first course on international law was offered at McGill, and then we need to trace the history of the course almost year by year down to the present time.

In other words your assignment is to carefully check the beginnings and the period down to 1996, and then to do as much updating as you can, talking perhaps to Professor de Mestral.

As far as the beginnings go, you should look at the following:

continued ...

Ms. Tamra Alexander

January 11, 1996

- 2 -

- i. Stanley B. Frost: his two-volume history of McGill has a couple of sections on the law faculty; his new book on James McGill may have something; his book on Cyril James provides a bit of background.
- ii. Two outstanding articles on the National Law Program at McGill written by Roderick A. Macdonald and appearing in (a) the Dalhousie Law Journal around 1990, (b) a book of essays in honour of Maxwell Cohen edited by D. M. McRae; and (c) an essay of mine on Maximillien Bibaud in the Dalhousie Law Journal somewhere in the 1980s.

All the above materials should be easily available in the McGill Law Library.

Again on the question of beginnings, you will find that in my article on Bibaud, perhaps in a footnote, I took a stab at one date but Professor R. A. Macdonald questioned this in his long article on the National Law Program. Do you think it would be possible for you to ascertain which is the correct date? Once that is done you will have to track the course down (year by year) to the present.

Anything you can find on Eugene La Fleur will be a great help.

This is a somewhat incoherent letter, which I am rushing to get to you before leaving for Strasbourg early next week, and I hope you will overlook its shortcomings and indeed its rather peremptory style. I will write at greater length on my return at the end of the month and I will, of course, send you additional references that may be useful. Apart from everything else, I am hoping that you will find this work enjoyable and enlightening during these months that you are at McGill, which has a special place in Canadian history.

All the best.

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb
Enc.

A.

Sent to Larry

January ⁽¹¹⁾ 1996

1. G.Y.B.I. article - N=611

2. N=Doyle on contact

3. TR recall sheet paper

4. Some periodical references

13. 2 mentioned many: UT etc

would be good

For Tanny

1. Frost in 9 Dalhousie L.J. 150 (1984).
2. Brailley in (1987) Legal Education 146.
3. Howes in 38 U.N.B. Law Jo. 127 (1989)
4. Masciotra in 32 McGill L.J. 712 (maybe)
5. R. A. Macdonald in 13 Dalhousie L.J. 211 (1990)

major]

For Tawny

1. Frost is 9 Dalhousie L.J. 150 (1984).
2. Bradley is (1987) Legal Education 146.
3. Howes is 38 U.N.B. Law Jo. 127 (1989)
4. Masciotra is 32 McGill L.J. 712 (maybe)
5. R. A. Macdonald is 13 Dalhousie L.J. 211 (1990)

major]

Christopher Langdon
3425-404 Stanley St.
Montreal, Quebec

November 2, 1995

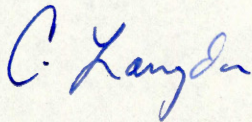
Professor R. St. J. Macdonald
Dalhousie Law School
Halifax, Nova Scotia
B3H 4H9

Dear Professor Macdonald:

I want to thank you for the cheque you sent me. I trust that the editing I carried out has met with your approval. However, if you are not satisfied for any reason or have any questions please do not hesitate to contact me.

In your letter you mentioned that you may need my help later this term. I would be pleased to help you further if this is the case. As you may imagine I shall be somewhat occupied during my Christmas exams, but will be able to help you after that.

Sincerely,



Christopher W. Langdon

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



October 11, 1995

Mr. Christopher W. Langdon
3425-404 Stanley St.
Montreal Quebec

Dear Christopher,

Thank you for your letter of September 12, 1995 and for the revised manuscript which I have not yet had a chance to study but which seems at first glance to be just what I was hoping for.

I will be back to you at the end of the month or early in November about the possibility of carrying on with the work during the current academic year. I would ask you to start at the other end, i.e., in the mid-nineteenth century and working forward to the 1920s or thereabouts, all in an attempt to generate detailed information about the teaching of the subject during those early years, and of the work of the law faculty at McGill.

I will provide more details early next month and, hopefully, stop in Montreal to meet with you.

With good wishes and thanks for your work, I remain,

Yours faithfully,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

Christopher Langdon
3425-404 Stanley St.
Montreal, Quebec

September 12, 1995

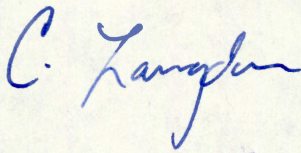
Professor R. St. J. Macdonald
Dalhousie Law School
Halifax, Nova Scotia
B3H 4H9

Dear Professor Macdonald:

It has been a pleasure to be able to work for you. I hope that the editing I have done meets your expectations and needs. If you have any questions regarding the manuscript please do not hesitate to contact me. I am more than willing to explore any issues further. I must apologise for the lateness of the manuscript's delivery to you, but in order to receive confirmed registration figures for the 1995/96 school year I was obliged to wait until after school began to finish this draft. I hope that this has not caused you any inconvenience.

As you requested I am enclosing an invoice. Should you require any further help in research, editing or briefing please do not hesitate to contact me again. I would be very pleased to work with you again.

Sincerely,



Christopher W. Langdon

Invoice

From: Christopher W. Langdon Legal and Business Analysis 3425-404 Stanley Montreal, Quebec H3A 1S2		To: Professor R. St. J. Macdonald Dalhousie Law School Halifax, Nova Scotia B3H 4H9	
Subject: Editing and research of "The Teaching of International Law at McGill: 1976-1994"			
Fee: 27 hours @ ten dollars/ hour Total: \$ 270.00			
Form of payment: Cheque payable to Christopher Langdon		Date of invoice: September 7, 1995	Payment due: At Professor Macdonald's convenience

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



September 12, 1995

Mr. Christopher W. Langdon
c/o The International Law Society
Faculty of Law
Chancellor Day Hall
McGill University
Montreal, PQ

Dear Mr. Langdon,

Just to say that I left a message on your machine last night (September 10th) and that in the absence of a home address, I hope this letter reaches you at McGill. I think the easiest thing to do at the present time is to bundle up the manuscript you now have and send it to me as soon as possible, together with my comments on Ms. Keshwar's draft. I need to see what you have done and I need to form an impression as to how much more work will be required during the current academic session.

I am look forward to hearing from you as ASAP.

Yours faithfully,

R. St. J. Macdonald O.C., Q.C., LL.D.
Professor

RSJM/sb

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



June 7, 1995

Mr. Christopher W. Langdon
Legal and Business Analysis
Prague
Czech Republic

Fax: 011 42 2 52-4411

Dear Mr. Langdon,

Thank you for your Fax of May 10, 1995.

There will be no problem at my end about the McGill paper as long as I am able to receive it by the end of July or early August. Perhaps you will telephone me at home in the evening on your return to Canada at the end of this month. My home number is (902) 429-6632.

Do I understand correctly that you may be available to continue work on an hourly basis should we need to develop the paper during the next academic year? This is something you might think over during the next few weeks.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "R. St. J. Macdonald".

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

C.W. LANGDON, LEGAL AND BUSINESS ANALYSIS

CONFIDENTIAL

FAX TRANSMISSION

To: R. St. J. Macdonald, Professor, Dalhousie Law School
Fax: 001 902 494 1316
From: Christopher Langdon, Prague, Czech Republic
Fax: 011 42 2 52-4411
Date: May 20, 1995

Re: Editing of McGill International Law Paper

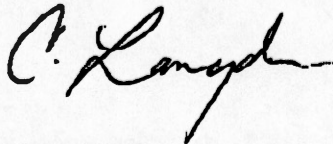
Dear Professor Macdonald,

We have not met formally but I had the honour to hear you speak at an engagement held for the retirement of Professor Humphrey from McGill University. (We were all quite saddened by the passing of the professor a few days later.) Sonia Keshwar has asked me to edit and revise the paper she prepared for your project on the teaching of international law at McGill Faculty of Law. I am a law student at McGill going into my third year of the National Program. I apologise for not contacting you sooner in this matter, but between organising business for this summer and studying for exams, I had very little spare time.

I have gone ahead and edited about half of the document and added some details you requested in your commentary to Ms. Keshwar's draft. I am afraid, however, that I must put this work on hold until June 27 because I am working in Europe. I have a small consulting firm that does investment analysis in Eastern Europe and a client needs a crucial study completed immediately. I am uncomfortable about according your paper a lesser priority, but in the circumstances I have no choice. My client, ING Group of the Netherlands, is demanding extensive attention for the next few weeks. Nevertheless, once I return to Canada (June 27), I will be in a position to resume work. Please accept my apologies for any inconvenience I may have caused.

Upon my arrival in Canada I shall contact you immediately and we can discuss the completion of the paper. Thank you for your understanding and patience in this matter.

Yours Sincerely,



Christopher Langdon

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



June 7, 1995

Mr. Christopher W. Langdon
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Yours faithfully,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902 . 494 . 3495 Fax 902 . 494 . 1316



March 31, 1995

Ms. Sonia D. Keshwar
3455 Stanley St., Apt. 407
Montreal, PQ
H3A 1S2

Dear Sonia,

Thank you for your letter of March 20, 1995, together with the receipts for tax purposes, and also for your generous comments about my presentation in honour of Professor Humphrey. It was a pleasure as well as an honour to have been invited to pay tribute to him and I know that he will be greatly missed by his friends as well as his colleagues at McGill.

I am looking forward to receiving the revised version of the article within the next couple of weeks. Perhaps you will also send me an address and telephone number for Mr. Christopher Langdon. It is your intention that he should carry on with the work after your graduation?

It might be a good idea to have a few final words with Professor Jutta Brunnée before she leaves Montreal at the end of June. I am in touch with her and know that, though terribly rushed, she would be prepared to give you or Mr. Langdon half an hour or so in May or June.

Hoping to see you in the near future, and with good wishes meanwhile, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

3455 Stanley St., Apt. 407
Montreal, Qc
H3A 1S3
March 20, 1994

Professor R. St. J. Macdonald
Dalhousie Law School
6061 University Avenue
Halifax, NS
B3H 4H9

Dear Professor Macdonald:

Please find enclosed the receipt you requested for tax purposes.

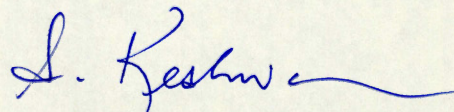
Work is continuing on the article. Chris Langdon will be sending you a revised copy in a matter of days.

Both Chris and I attended the Tribute to Professor Humphrey and thoroughly enjoyed your presentation. I also heard many favourable comments from others in the Faculty; students agree that it was truly inspirational. I would have liked to have chatted with you at the end, but you seemed inundated with well-wishers.

I would like to re-iterate, at this point, my request for a letter of recommendation in the hope that it is better timed than last. I am applying for jobs with the federal government as well as various firms and your support would be most helpful. There is no urgency and I am extremely grateful for your attention in this matter.

With personal good wishes I remain,

Yours sincerely,



Sonia D. Keshwar

DALHOUSIE LAW SCHOOL

January 17, 1995

Ms. Sonia D. Keshwar
3455 Stanley St., Apt. 4067
Montreal, QC
H3A 1S2

Dear Sonia,

Herewith a corrected version of the first draft, which is very good indeed.

Can you reorganize it, add in whatever new information you can obtain, re-type it, and return it to me by mid-March? We will do three drafts before going to the final version.

Your work is excellent and I have no doubt that the final version will be first class.

The sooner you get Christopher Langdon involved the better. In fact, if you can send me a re-typed version even without substantive changes, I can make a few comments and rush it back to you and to him by mid-February; he will then have a clean copy on which to work.

With personal good wishes, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb
Enc.

3455 Stanley St., Apt. 407
Montreal, QC
H3A 1S2
January 4, 1994

H. 845-8488
W. 288-1744

Professor R. St. J. Macdonald
Dalhousie Law School
Halifax, NS
B3H 4H9

Dear Professor Macdonald:

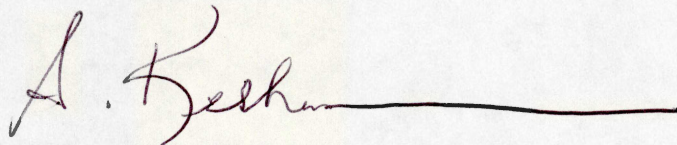
Please find enclosed a copy of the first draft of the article. I modeled it after your first article in terms of length and detail. I also used your instructions as a guide for its format.

As it is simply a first draft, I am sure much refinement will be required. Please let me know if it meets your needs and advise me of all necessary improvements. As we have already discussed, another law student, Christopher Langdon, will be continuing the editing under my supervision.

- It is my sincere hope that my work thus far has met with your approval.

I remain

Yours sincerely,



Sonia D. Keshwar

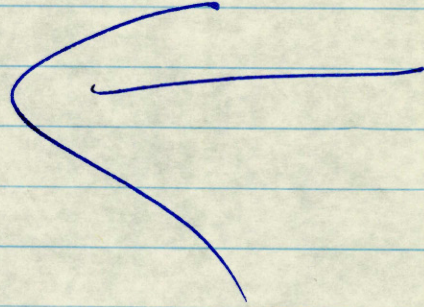
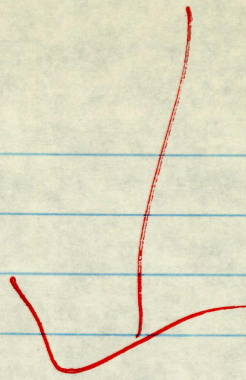
Handwritten notes:
- the money
- average hr.
- regul. hr. just to 8 hrs.
- Can you put more emphasis on the idea of the service to the public ? Partly to
be as a 2nd step by middle management ? Can we bring again to
- We will do 3 drafts

INVOICE FOR SEPT. 1 - JAN. 4

HOURS WORKED: 24

RATE OF PAY: \$10.00.

TOTAL DUE: \$240.00



Let her a check for \$250.
on January 20/95

Y. H. H. H.



McGill

Faculty of Law
McGill University
Chancellor Day Hall
3644 Peel Street
Montreal, PQ, Canada H3A 1W9

Faculté de droit
Université McGill
Pavillon Chancellor Day
3644, rue Peel
Montréal, Québec, Canada H3A 1W9

Tél.: (514) 398-
Fax: (514) 398-4659

May 10, 1995

Professor R.St.J. Macdonald, O.C., Q.C.
Faculty of Law
University of Toronto
78 Queen's Park
Toronto, Ontario
M5S 2C5

Dear Ronald,

Please accept my apologies for the delay in my reply to your letter of 31 March. Wrapping up the term, traveling to Europe and preparing for the move to B.C. have slowed me down a bit. I have now had a chance to update my c.v. and put together the material you requested. I hope that you will find enclosed what you need.

In my five (!) years at McGill I have only taught one course in the international law area: International Environmental Law. Ironically, I may be leaving just as the opportunity for greater teaching involvement in general international law is on the horizon. In any event, the very fact that I have been teaching "only" the course on international environmental law is testament to presence of a strong teaching staff in the area. In other words, there have always been many strong international lawyers on Faculty. Several other Faculty members have strong interests in aspects of international law and adjacent areas so that McGill has been, at least during my tenure, in a position to offer many specialized courses and seminars. In my view, apart from the civil and comparative law focus, international law has been one of the focal points of the Faculty's teaching and research activity. What is more, it is one of the areas where, among one's colleagues, one finds rewarding opportunities for exchange of ideas and even collaboration in research.

The Faculty's commitment to public international law is mirrored by the students' interest in the field. It is my sense that the student body, despite the fact that international law is not an obligatory course, does not consider it a "side area". Enrollment in the basic courses is strong and so is the interest in the various more specialized courses.

Perhaps, from an international lawyer's perspective, the most exciting of recent developments is the Faculty's emerging course into the future. I should be very careful here, as the consultation and decision-making process is on-going. The Dean is probably in a

much better position to talk about this particular aspect. So, my comments are to be taken as purely impressionistic at this stage. Nonetheless, I would say that one of goals for the Faculty is increasing "internationalization", both in terms of curriculum and in terms of the student body. Thus, the Faculty would strengthen its international law offerings and set out to train lawyers for an increasingly international world (as well as seek to attract international students).

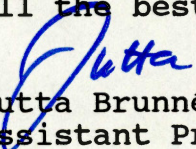
While this "internationalization" still is in the planning stages, the new Dean certainly is strongly committed to teaching and research in international law at McGill. I would imagine that this will be reflected in future course offerings and hiring decisions.

I would be happy to talk with you on the phone or in person, if you think that could be helpful. Let me know if I can be of any further assistance to Sonia Keshwar.

During the coming weeks I will be wrapping up things at McGill. There are two writing projects that I would like to finish before I move on to preparing for the new term at UBC. Apart from that, I appreciate having the time to wind down a little and to enjoy Montreal and surroundings in this beautiful weather. My departure for the West is planned for June 28 or 29. I will be driving across the country - something I have always wanted to do - and expect to arrive in Vancouver around July 9. I do not yet have an apartment but do not anticipate great difficulties on that front (I do have a place to stay for July!).

Well, I'll be in touch once I am settled in Vancouver and at UBC. I hope that all is well with you. You must be getting ready to spend the summer in Nova Scotia - have a wonderful one!

All the best,


Jutta Brunnée
Assistant Professor

Encl.

PS: I apologize for the appearance of the letter - the Faculty's laser printer seems broken. But rather than delay yet further and wait for the repair... I thought I send this anyway. J.

Eugene Laflour (BCH, 1980)

Wegen der Arbeit in Frankfurt, - ...

für ...



W.B.

To R. S. J. Mac
With cordial greetings
Maxwell Cohen

**FROST: THE MAN IN THE IVORY TOWER,
CYRIL JAMES AT MCGILL**

Maxwell Cohen

Reprinted from the
OTTAWA LAW REVIEW

Vol. 25, No. 1, 1993

Réimprimé de la
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THE MAN IN THE IVORY TOWER, CYRIL JAMES AT MCGILL. By Stanley Brice Frost. McGill-Queen's University Press, 1991. Pp. 305.

The post World War II years witnessed many and very deep changes in Canadian life, government and society. The universities reflected these alterations perhaps as much as any sector of experience not only in their growth and reach — both teaching and research — but also in the many outstanding university presidents with the ability to respond to the large range of challenges that Canadian higher education systems now posed. The postwar generation of new facilities, pedagogical/research problems and student numbers all paralleled a maturation of Canadian democracy with its manifold demands. It is not too much to say that Frank Cyril James of McGill fitted well within that historic tabulation of academic leaders even though the controversies surrounding his stewardship towards the end of his tenure may have obscured the dimension of his achievements.

This review begins with a moral dilemma. I cannot pretend to total impartiality in examining Principal James' major contributions to McGill and Stanley Frost's research writing and judgments. Like Cyril James himself I was very much a newcomer to McGill and life in Québec, beginning with my appointment to the Faculty of Law in July-August 1946. It was Principal James who "lured" me in 1946, approved my promotion in 1947 and gave me my tenure with a "full" in 1952. I was and remain his debtor for my twenty-eight years at McGill.

Dr. James was invited to Montreal to be considered for the appointment as Director of the School of Commerce. Indeed, he had to contemplate leaving a formidable career-in-the-making at the Wharton School of Business in the University of Pennsylvania — with a two-year "experimental" contract from McGill and with leave from Wharton accordingly. By 1930 James had produced a valuable study on *THE ECONOMICS OF MONEY, CREDIT AND BANKING*¹ in the United States; he had organized and led a research project sponsored by the Association of Reserve City Bankers into the need for a central institution with its own research capability; and he had also completed a massive two volume study on the history of banking in Chicago.² The invitation to come to McGill therefore would interrupt a serious career already well on its way in the United States. He had recently achieved the rank of full professor at Penn, and this at a comparatively young age, and was becoming quite widely known both in banking circles and among his American academic peers in this particular sector of economic thought and practice.

But coincidence was to rescue James from the consequences of becoming Director of a rather weak School of Commerce for which he had been specifically invited to McGill for discussions. He became, instead, a surprisingly unexpected candidate for principal within days of his first visit. For the impending outbreak of war was to take the then Principal, Lewis Douglas, already a distinguished American public figure, back to the United States.

James was to enter the select circle of university presidents in Canada through the gateway of McGill. The University was long established and internationally

¹ (New York: Ronald Press, 1930).

² *THE GROWTH OF CHICAGO BANKS*, 2 vols. (New York: Harper & Brothers, 1938).

recognized — particularly for its medical school and scientific research. At this time Cyril James had little knowledge of Canada and had never considered a career in Canada. He came into office as principal, therefore, with little “historic” preparation. Luckily, this was compensated for by a strong administrative talent and an as yet undiscovered taste for a velvet autocracy.

Three months after the outbreak of war James was appointed principal and soon thereafter was inducted formally into office in January 1940. Both salary and position were enormously pleasing to this essentially cautious thirty-six year old from a modest English background and a non-glamorous London environment.

I make these observations because in his twenty-three years at McGill James probably suffered more than he realized from a certain lack of “Canadian” preparation for a very senior educational role in a Canada and a Québec about which he knew very little. It is important to stress Cyril James’ lack of personal and cultural underpinnings in relation to Québec and Canada for this reality, possibly accentuated by shyness and repression, and both were manifested by a coolness that marked his long relationship with perhaps the majority of senior staff at McGill.

His marriage over the years seemed chronically teetering toward unhappiness, and Dean Frost handles this private story with commendable tact. James depended for much of his personal reassurance on very senior members of the Board of Governors and the luck of having his first chancellor at McGill, the powerful Sir Edward Beatty, become an early ally and confidant. Finally, he had a stalwart protector of his office and his privacy in Mrs. McMurray, his executive secretary, already very experienced in managing the principal’s office in organizing his demanding daily agenda, as well as the many facets of his interpersonal relations on campus.

Despite the tensions that developed in his final years with some staff and students, James’ career at McGill was by any test remarkable. Dean Frost presents an able summary and analysis of the difficult war years and the immense postwar expansion which converted McGill from the relatively small, élite and private university to a major intellectual enterprise capable of taking a leadership role in the Canadian pattern of higher education. The administrative detail, which James mastered, of the needs and prospects for almost every faculty, testifies to the acumen and administrative talent that marked his whole career. Student numbers doubled within the next few years and soon approached tripling while most departments saw a large growth in staff members and in the quality of departmental heads and most ducenal appointments.

His own personal involvement with Canada, even in these first years, did not stop at the boundary of the University. Prime Minister King’s wartime government invited him to become chairman of a Committee on Postwar Reconstruction which began to explore the possible macro and micro economic and social problems that the dynamic of Canada’s return to peacetime conditions would confront. As an aside, to this day I cannot discover why I was invited by James (whom I had not yet met) to contribute a general paper on the kind of expectations and challenges that would face Canada in the shift from frenetic activity and grand purpose, from war to peace. That Committee eventually did some serious work on a very broad forecasting front, but through a surprising over-reaching beyond its apparent mandate James came into conflict with the leading mandarins of the day and more particularly the very powerful deputy Minister of Finance, W.C. Clark and the equally powerful Secretary of the Cabinet,

A.D.P. Heenev. As a signal of their rejection of intrusions into their departmental jurisdictions and domain, the Committee's name was given in due course the qualifying additional label of "Advisory" and thus became the "Advisory Committee on Postwar Reconstruction". This was a forecastable change given the natural disposition of wartime cabinets and their senior public servants, for they already had recognized the serious perils to the country that lay ahead. Economic, political and administrative questions would arise as the "full employment" society of wartime moved on to the peacetime unknowns. Inevitably these would return at the end of hostilities in challenges such as transitional unemployment, veteran demands for education, training, and economic opportunity. Also to be faced undoubtedly would be new jurisdictional conflicts with the Provinces now that the *War Measures Act*³ and the "emergency powers" doctrine would no longer be present to support a federal government that wartime had converted into almost a unitary state.

James may have been disappointed at the turn of events with respect to his Committee but he became *inter alia* a vigorous and successful advocate of the need for very broad cooperation among all the Canadian institutions of higher learning. From Dean Frost's analysis, it is quite clear that Principal James had a lead role in the creation and development not only of the Association of Universities and Colleges, but over the years in helping to persuade the Federal Government on the need for federal money and a federal presence in aid of the entire system of Canadian universities and colleges.

The irony of his role here was that Québec under Maurice Duplessis, the right-wing and very powerful provincial premier of Québec, would not let McGill receive such federal funds. He threatened to penalize its private donors, particularly through direct cancellation of tax benefits on such gifts and hinted at other indirect pressures which the politically and commercially sensitive members of the Board of Governors understood and were desperate to avoid. In the event the McGill share was annually deposited in a Trust Fund.

Eventually, with Duplessis' passing, the University was able not only to have the benefit of increased private donations from its friendly magnates, but also to inherit from the trust funds its accumulated share, now a substantial amount.

New buildings, the refurbishing of the old, and the dormitory and recreational facilities, substantial increases in library holdings, and the rise in numbers and quality of staff all gave McGill greater strength and resources to meet a demanding future.

Canadian universities and colleges were now benefiting not only from the postwar economic growth, but even more specifically from these federal funds on a systematic annual basis. In all of these ventures James and his fellow university presidents had helped to reshape the profile of higher learning in Canada.

Nevertheless there were two new forces that were to affect university life from within and across Canada: the slowly emerging minor student irritations and a later serious unrest growing out of very general changes in North American society (and perhaps world-wide); and the newly-felt strength of teaching staffs in every university that were finding the classical governance of their departments, faculties and the university as a whole, too narrowly centred in lay governors or presidents, deans and chairmen. The staff response, much earlier than new student concerns — which did not

³ S.C. 1927, c. 206.

mature until the 1960s — changed the character of most university governing systems with their staff associations, staff dominated senates, all heading to more responsive and accountable structures. This, of course, led to the correspondingly re-shaped powers of the lay boards of governors and, more particularly, in the customary operational authority of university presidents and principals.

Cyril James' life at McGill had been, generally, an administrative success because of the close working alliance he built with his Chancellors and Board of Governors, and particularly with the most powerful members. He was able to present at first a cool resistance to any serious staff intrusion into the existing power structure.

It was inevitable that Principal James would find it difficult to accept a growing pattern of staff demands that would alter almost two decades of relatively unchallenged authority in himself and the Board of Governors. Perhaps the most serious came from the "political" recognition by staff at McGill and elsewhere in Canada, that they needed to organize themselves if there was to be a more democratic and participatory role for teachers and researchers *et al.* in the affairs of the university. At McGill this led to the creation of the McGill Association of University Teachers (MAUT). Throughout the 1950s the growth of staff self-confidence, and the linkages with the parallel university staff associations in almost every university and college in Canada, began to change *de facto* the nature of university government. Dean Frost refers to these developments without perhaps placing them adequately in their national context nor in recognizing these changes as a logical postwar expression of the democratic process widening its claims upon traditional elites everywhere in Canadian and U.S. life and politics.

McGill quite soon became something of a paradox in this evolution of staff power and the changing character of governance. On the one side was the image of McGill as having achieved a first rank among Canadian educational institutions along with Toronto and a few others. But that image was qualified by the perception of a lay board of governors carefully selected from among the business leaders and "best families" and who naturally took umbrage at the "trade-union" conversion of staff so different from its non-adversarial role for many years. If McGill became a paradigm here, it was perhaps because MAUT was something of a pioneer and had possibly more influence in reshaping the emerging model of modern university government than would have been expected from so cautious a McGill history.

In all of this, Dean Frost himself, having been Dean of the Faculty of Divinity and later of Graduate Studies, is a careful historian of the process. Only one comment discloses his own cultural discomfort with the evolving staff reality. He charges me with "lesé majesté" in challenging the principal's authority openly in Senate, and quotes phrases that may have been written by myself in reports or elsewhere, but were, to the best of my recollection, never uttered at a Senate meeting, as Dean Frost contends.⁴ In any case, *de minimis non curat lex*.

By the second decade of James' tenure, his command of the array of problems was astonishing. From major building efforts to encouraging more private sector funding, with financial campaigns led by a supportive and enthusiastic board of governors and successive chancellors, the University's reach, both in scholarly and scientific activities mounted steadily with the years. Criticisms were beginning to be heard from some

⁴ P. 234.

leading members of the Economics Department, of which the principal was himself a member. Leaders of MAUT, generally with some considerable restraint, began to define the areas of potential conflict. Nevertheless, there was still a sense of McGill's academic good fortune on many sides, although staff salaries were for too long far too low in contrast to other senior Canadian universities. The student unrest of the 1960s had not yet made its presence seriously felt. Dean Frost is very careful to delineate the slow evolution of reservations among some governors who were beginning to have doubts about James' leadership. Possibly a part of this reservation may have been influenced by the rising staff criticism in the late 1950s. However, Dean Frost does not enlarge upon these developments with sufficient detail to give these manifestations their proper place in the story of Principal James and the University.

Certainly by the end of the decade James was himself a tired man with a domestic life which perhaps did not sustain him when effectively needed. He had good relations with his parents and his in-laws. Indeed, he had helped to maintain their residence (in Canada?) during the worst years of the war in Britain. His personal concern and generosity here can only be admired. More than twenty years of high office had brought him honorary degrees from major universities throughout the world. He had the status of one of the best known Canadian university presidents, acquired particularly through his chairmanship of the Association of British Commonwealth Universities and later of the International Association of Universities. Both these high profile offices, particularly the latter, gave him entrée perhaps to every major institution of higher learning on almost every continent.

By 1960-61 he was having medical problems but they did not seem serious enough to inhibit noticeably his formal, disciplined energy and exuberance. Dean Frost makes it quite clear, quoting from James' diaries, and by examining his workload, that the principal was, if not consciously, then deep in his mind toying with the prospect of a life after McGill and what it would be. Perhaps, for the first time in over two decades of leadership, he began to sense the vibrations of displeasure in the highest level of support and authority, in the Board of Governors themselves — although one major rumour was vigorously denied by the Board itself in a special vote of confidence. But serious disputes with the Economics Department and other difficulties had begun to turn his mind to the specific possibility of leaving McGill, and this he did in 1962 after twenty-three years of devotion and demanding service.

Two final observations about this volume and the post-James (and contemporary) debates on university government at McGill and in Canada. It must be said of Dean Frost that he has used the James diaries with much effect and discretion. He had, of course, the advantages that came from his formidable research into the history of McGill University published in two volumes in 1980-84.⁵ He was therefore never at a loss to fill in the many historic links that this biography now provides in its personal chronology. The James diaries, university documents, key interviews and his own two volumes of research, have made this resulting publication on the life of F. Cyril James a very valuable addendum to the history of the University in the seminal years of 1939-62.

⁵ S.B. Frost, *MCGILL UNIVERSITY: FOR THE ADVANCEMENT OF LEARNING*, vol. 1 (Montreal: McGill-Queen's University Press, 1980); S.B. Frost, *MCGILL UNIVERSITY: FOR THE ADVANCEMENT OF LEARNING*, vol. 2 (Montreal: McGill-Queen's University Press, 1985).

Cyril James, however, would have smiled at the changing direction of the debate in very recent years on university government. What has happened might have been predicted, but only by a very shrewd student of the realities of power leading to a restoring of some of the older gubernatorial claims on those inside the ivory tower. It now appears that the Governors are coming back or, at the least, are presenting claims to their rightful place in this era of continuing shortages of funding and perhaps, even more important, in the new demand for varieties of accountability in the name of the updated democratic society itself. Again, who would have thought that the success Cyril James had in being part of the leadership that helped to design a powerful postwar federal role in the funding of higher education would see that federal presence slowly diminishing and be replaced by increasingly acceding to the jurisdictional claims of the provinces. These would be recognized in the form of tax points given to the provinces in lieu of cash grants direct to the universities. In the absence of a federal role, the new accountability can be both more difficult and more manageable. The results may be mixed. From the experience in Australia and Great Britain, central management of university funding is proving to be far stricter than university administrators there find agreeable. In Canada, with the provinces increasingly in charge of higher education, provincial power may be more realistically debated at home and managed more responsibly than fiscal monitors at a great distance. This development is also reinforced by the ideology of "accountability" and its spreading, both doctrinally and administratively. And it is these developments, as indicated above, which have widened the door for the re-entry of the Board of Governors in the name of both private dollars and public oversight. None of this, of course, could James foresee, nor does Dean Frost deal with the changing nature of the governance debate of today.

Cyril James died in 1973. He could not have known that his own agenda for effective university government would, in some moderated form, again become a potentially respectable doctrine.

Dean Frost's essential study will be read for many years and be regarded as the best available statement of life with F. Cyril James at McGill during perhaps two of the most important decades of the University's modern history.

Stanley Frost had important credentials for the task of biographer. Like his subject, Dean Frost was a learned British import. His field was theology and he mounted the steps of an academic career at McGill with the support of Cyril James since he became *en route* more of a friend than most McGill staffers could ever achieve with their very reserved principal. The biography is, therefore, a deeply felt and perhaps deservedly laudatory overall and was reinforced by the detailed scholarship of the two volume history of McGill Frost published in 1980 and 1984. Origins, friendship and culture made Dean Frost a natural custodian of James' trust and his inevitable biographer with access to the principal's diaries and other important source materials. "Warts and all" also have been woven into the narrative with the hand of a skilful friend.

*Maxwell Cohen**

* Scholar in Residence and Professor of Law, University of Ottawa (Common Law Section); Emeritus Professor of Law, McGill University and sometime Dean, Faculty of Law 1964-69.

FACULTY OF LAW UNIVERSITY OF TORONTO

March 31, 1995

Professor Jutta Brunnée
Faculty of Law
McGill University
3644 Peel Street
Montreal, P.Q.
H3A 1W9

Dear Jutta,

Although, in 1994, I may have mentioned to you a little research project in which I am involved, I thought that I should put one matter down on paper before you leave Montreal for Vancouver at the end of June.

In my spare time, I am starting to gather material for a short essay that will be entitled, "International Law at Four Canadian Universities". The institutions will be Dalhousie, McGill, Toronto and U.B.C. I plan to do Dalhousie and Toronto myself because I am familiar with the programs in those two places and will be able to acquire the information without much difficulty.

As far as U.B.C. is concerned, I am being assisted by Doris Elizabeth Buss, a Dalhousie graduate now doing her LL.M. under the supervision of Professor Mickelson. Doris has already assembled a fair amount of material and I will of course send it to you shortly after your arrival in Vancouver later in the summer. It will be of interest to you, not least of all because you are mentioned as an important reinforcement especially in the field of environmental law.

As far as McGill is concerned, I have, on your sound advice, retained your student Sonia D. Keshwar to prepare a working draft of the current situation for me and I am hoping that she will have something ready early June.

What I have asked Sonia Keshwar to do is to identify and describe all the relevant courses in public and private international law, international trade law, and comparative law. She is also to identify the professors who are teaching in these areas, review the graduate program, and conclude with a brief evaluation of the state of public international law at McGill during the last 25 years.

When the paper is completed in late 1996 I am hoping that you will allow me to send it to you for your comments. You, of course, will be a central figure on the teaching side at both McGill and U.B.C., and, as one of the most brilliant students, on the post-graduate side at Dalhousie. So, from my point of view, I am counting heavily on your wise counsel once a first draft is available.

continued ...

- 2 -

Even before a draft is available, I am wondering if I can prevail on you to send me just a little information prior to your departure for Vancouver at the end of June?

In particular, could you send me an up-to-date CV (so that I can do justice to my references to you), a photocopy of the table of contents of the courses you teach in the international area, including international environmental law, and perhaps just a page or two, which you could easily dictate, on how you see the teaching of international law at McGill as you prepare to move west after five (?) years in Montreal.

I know that you will have a hundred and one things to do on your return from Europe and I do apologize for burdening you with yet another request, but I am very conscious of the fact that you are in a unique position to contribute to the build-up of the record of the teaching of international law at McGill and, next year, at U.B.C.

It was a special pleasure to have seen you, even if only for a few minutes, at the U.N. Congress in New York and also to have heard your very intelligent question from the floor. As many people observed, yours was the only question from a female international lawyer.

As always, I send you my best good wishes,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

P.S. Sonia Keshwar may be around to see you for a few minutes before your departure for Vancouver.



Faculty of Law UNIVERSITY OF TORONTO

78 Queen's Park Toronto Canada M5S 2C5

February 3, 1994

Professor Jutta Brunnée
Faculty of Law
McGill University
3644 Peel Street
Montreal, Quebec
H3A 1W9

I am trying to gather material for a note on the teaching of international law at four Canadian universities, Dalhousie, McGill, Toronto, and UBC. This note is intended to partially update my articles, now out of date, in the Canadian Yearbook, but it will be more detailed and, hopefully, more useful.

Since McGill has always been a stronghold for the teaching of public international law, and since you are there!!, and as I am anxious to pay tribute to, as well as describe the achievements of, the Faculty in this particular field, I need to make arrangements for someone to help me gather the relevant material.

Could you, dear Jutta, find it possible to identify a student who would work on an hourly basis, under your general supervision, to provide me with photocopies of descriptions of the courses in public international law and in fields related to public international law from the mid-1970s through to the end of the current academic session? I need to know what courses were offered, roughly, what the content was, who the professors are and were, what the place of international law is in the Law School curriculum, whether any specialties have arisen at McGill, and what the plans for the future might be.

If you can get me started, so to speak, I think that I will be able to do much of the detailed work here in Toronto and I will of course send whatever draft I am able to prepare back to you for your approval. I am prepared to hire a McGill law student to do the required work on an hourly basis. The rate that is paid here is \$10 an hour. This is not a big job and I do not want it to become a big job! I think that a good student could collect the material in a relatively short period of time.

continued...

Professor Jutta Brunnée

February 8, 1994

2

I must confess that one of the reasons for writing you in this matter is that it will give me an opportunity to come over to Montreal to see you and to discuss lots of things other than this particular project. I greatly miss our meetings and conversations. With every good wish, I remain,

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/mys

R.L. copies, to me: ASAP: SEP 20/94 - yr; 6 eq. low.

Aug 30/94

Part III

①

: out than 15 years - thinner

② you may have to go back to the 2nd

have no mixed any ground was?

1. 2, 17.1 do

2. 3.0 do

3. velocity

1. where should the course be kept? - first 20
- last 20, < 1st & 2nd

2. what text books of course books are used :

~~the~~ go back and do this is needed; get the names & particulars,

3. what ASAP of Faculty meeting document is to take?

in it with the course books

LINEN RECORD

1003 RAS-CANADA

DALHOUSIE LAW SCHOOL

Halifax, Canada B3H 4H9 Tel 902.494.3495 Fax 902.494.1316



Tuesday August 30/90

Dear Sonia,

Here is the material. You are doing excellent work.
Keep going. I will pass this material to the other deans.
Keep an account of your hours.

T = use in the text

F = use in the footnotes; incidentally, make them
end notes rather than footnotes at this stage.

The tentative title will be: The Teaching of P.L.L. & P.C.E.T.

There will be three parts. Part I: Introduction and

Background (have you ever used the material from the 1994-95
calendar, in packet D).

Part II: The Programs and the Courses

(have you most details & detail the content of all major courses; you
will footnote the minor courses. This will be a fairly large
part of the paper. You must also refer to the best books and case books
used by the program).

Part III: Evaluation (Have you ever used
the interviews, which are v. useful. Points to consider: compulsory or
optional? where should it be taught? Full year, half year? Full time day?
What kind of teaching materials do we need for the 1st year?)

Once we have a draft we can develop it. This
project will go for several months; you can work on it
or work - hard or at night.

Stand Recommendations

... to me later please

• Please note the enclosed material is
I will be in touch by E-mail. Anyhow, I must go!!
All the best RAIT

April 12/94



Sonia

H. (514) 845-8488

(w) 398-6608: rec'd

- staying near end of April.
- a total of \$500.

Ms. Sonia Keshwar:
 3455 Stanley Street
 Apt. 101.
 Montreal
 H3A 1S2

May 11, 1994:

-> a list of questions for the interview

-> \$250.00

June 9, 1994

Ms. Sonia Keshwar
3455 Stanley Street
Apt. 101
Montreal, PQ
H3A 1S2

Dear Sonia,

Did you receive your money? Are you at work on the manuscript?

There is no real rush as far as I am concerned, though I should receive something by early August. Hopefully, we will be able to meet before the summer is out to discuss the possibility of you continuing on with the project.

As you can see from this letterhead, I am now back in Halifax where you can reach me.

I will be grateful if you can let me know your summer plans. I will want to be in touch with you during the next three or four months.

Yours sincerely,

R. St. J. Macdonald, O.C., Q.C., LL.D.
Professor

RSJM/sb

Research Seminar: International Environmental Law

Fall 1994

Instructor: Professor Jutta Brunnée
Office: 3661 Peel Street, Room 205
Telephone: 398-5096

The seminar is designed to introduce students to the continuously expanding and evolving area of international environmental law. In order to provide an understanding of the structure and process of this field, the seminar will address and analyze: the particularities of the international legal system and their implications for environmental protection; economic and ethical angles; selected environmental problems that will permit the more detailed study of the 'mechanics' of international environmental law; the controversial area of state responsibility; a selection of new challenges to international environmental law and a discussion of new approaches to addressing these challenges.

Considerable emphasis will be placed on the critical analysis of these issues and the need to keep ecological, political, economic, and ethical aspects in constant reference. Students will be challenged to ponder shortcomings and advantages of both traditional and innovative international approaches and to pursue such critical stocktaking in their individual research projects.

The casebook will provide the necessary material for the seminar as well as background reading and suggestions for further reading. To provide further assistance to the students beginning their own research, several bibliographies and books will be placed on reserve.

Evaluation will be based on a research paper of 30 pages counting for 85% of the grade. Students will also be expected to contribute to the seminars by critically assessing the readings and issues at hand. If so desired, students will have opportunity to present the result of their research to the seminar. Oral participation will count for 15% of the grade.

Please be referred to the class outline and reading list for further detail.

Outline

- September 8: Course Description - Introduction
- September 13: The International Legal System and International Environmental Law
- September 20: Acid Rain - Customary International Law
- September 27: Acid Rain - Bilateral and Multilateral Approaches
- October 4: Ozone Layer Depletion - Custom and International Regimes
- October 11: State Responsibility
- October 18: State Responsibility (Case Studies)
- October 25: Bypassing Custom and Treaties - The Role of International Organizations and Soft Law [to be re-scheduled]
- November 1: Climate Change - Environment and Development
- November 8: The Rio Conference and Beyond - Case Study: An International Forest Convention?
- November 15: The Rio Conference and Beyond - Taking Stock
- November 22: "Mini-Conference" on International Environmental Law (Part I)
- November 29: "Mini-Conference" on International Environmental Law (Part II)
- December 6: "Mini-Conference" on International Environmental Law (Part III)

Research Seminar: International Environment Law

(BOOKS MARKED (R) AVAILABLE ON RESERVE)

- Akehurst, Michael A Modern Introduction to International Law, (London: George Allen & Kerwin 1984)
- Birnie, P. and Boyle, A. (R) International Law and the Environment (Oxford: Clarendon Press, 1992)
- Brown Weiss, Edith In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity (Dobbs Ferry: Transnational Publishers, 1992)
- Brown Weiss, E. et al. eds. International Environmental Law: Basic Instruments and References (Ardsley-on-Hudson, N.Y.: Transnational Publishers, 1992)
- Brunnée, Jutta Acid Rain and Ozone Layer Depletion -International Law and Regulation (Dobbs Ferry: Transnational Publishers 1988)
- Carroll, J.E., ed. International Environmental Diplomacy: The Management and Resolution of Transfrontier Environmental Problems (Cambridge: Cambridge University Press 1987)
- Cassese, Antonio (R) International Law in A Divided World (Oxford: Clarendon Press 1986)
- Downing, Paul B. Environmental Economics and Policy (Boston: Little, Brown & Company 1984)
- Flintermann, C., Kwiatkowska, B., Lammers, J.G., eds. (R) Transboundary Air Pollution: International Legal Aspects of the Cooperation of States Dordrecht, Boston: Martinus Nijhoff 1986)
- Kay, David A. and Jacobsen, Harold, eds. Environmental Protection: The International Dimension (Totowa, N.J.: Allanheld, Osmun 1983)
- Kiss, Alexandre (R) Droit International de l'environnement (Paris: Editions Pedone, 1989)

- Macdonald, R.St.J.
Johnston, D.M., eds.
(R) The Structure and Process of International Law: Essays in Legal Philosophy, Doctrine and Theory (The Hague, Boston: Martinus Nijhoff 1983)
- O'Connell, D.P. International Law of the Sea (Oxford: Clarendon Press 1982/84)
- Sands, P., ed. The Effectiveness of International Environmental Agreements (Cambridge: Grotius Publications, 1992)
- Sands, Phillippe
(R) Chernobyl: Law and Regulation (Cambridge: Grotius Publications 1987/1988 [?])
- Shaw, Malcolm N.
(R) International Law, 3rd ed., (Cambridge: Grotius Publications 1991)
- Schneider, Jan World Public Order of the Environment Towards An International Ecological Law and Organization (Toronto: University of Toronto Press 1979)
- Springer, Allan L.
(R) The International Law of Pollution Protecting the Global Environment in A World of Sovereign States (Westport, Conn.: Quorum Books 1983)
- World Commission on Environment and Development
(R) Our Common Future (Oxford: Oxford University Press 1987)

International Environmental Law

Suggested Paper Topics

1. The International Court of Justice and International Environmental Problems
2. International Organizations and Environmental Protection
3. The European Communities and Environmental Protection
4. Environmental Impact Assessment in International Law
5. Oil Pollution
6. The Law of the Sea Convention and the Protection of the Marine Environment
7. Freshwater Pollution - Recent Developments
8. Great Lakes Pollution
9. Export of Hazardous Waste
10. "Global Environmental Law" (Emerging Concepts)
11. The 1992 U.N. (Rio) Conference on the Environment
12. State Responsibility and the Environment
13. Resources beyond National Jurisdiction and their Protection
14. Forest Destruction and International Law
15. Environmental Protection Agreements and Developing Countries (e.g.: The Montreal Protocol; Climate Change Convention)
16. Indigenous Peoples and the Environment
17. Biodiversity and International Law
18. Environment and Development
19. Environment and Security
20. Climate Change/Law of the Atmosphere
21. Antarctica
22. Trends in Treaty-Making for Environmental Protection

23. Customary Law and the Protection of the Environment
24. Acid Rain (Emphasis on recent developments)
25. Ozone Layer Depletion (Emphasis on recent developments)
26. Human Rights and the Protection of the Environment
27. Trade and the Environment (e.g. GATT)
28. Sustainable Development as an Emerging Principle of International Law?
29. Obligations Towards Future Generations?
30. Soft Law - The Environmentalists' "Trojan Horse"?
31. The Re-Definition of Sovereignty
32. International Crimes Against the Environment
33. Environmental Jus Cogens

BIBLIOGRAPHIES AND RESEARCH TOOLS

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635-653.

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Székely, Alberto, Mauer, J. and Serrano, A., "The International Law of Natural Resources and the Environment Selected Bibliography (Part 2)" (1991) 31 Natural Resources Journal 265-427.

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World Resources Institute, World Resources 1992-93 (Oxford: Oxford University Press, 1993).