

## **We can look beyond self-interest to a better future**

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LAST week, I had the privilege to attend lectures by two world leaders in their fields. On Tuesday in Glasgow, Al Gore, the former US vice president, gave one of the most inspiring presentations I have seen, on the subject of climate change. No-one in the audience could have been left in any doubt about the seriousness - and immediacy - of global warming. However, Samara Shah has already discussed the environmental responsibilities of lawyers, last week in this column, so allow me instead to concentrate on the other lecture.

It was the first tercentenary lecture, celebrating 300 years of Edinburgh University's law school, by an inspirational figure for many of us: Professor Sir Neil MacCormick, who is retiring from the regius chair of public law and the law of nature and nations.

In his lecture, Sir Neil traced the origins and history of the chair and of the university's association with public law. It was a tour de force, delivered in that passionate, thoughtful and beautifully constructed manner that has engaged students for 35 years. It reminded us of the important role academia has played in shaping not only private law but the law as it relates to nations and institutions.

We were reminded that, in earlier times, some holders of the chair became judges in the supreme courts. Afterwards, some commented on the relative lack of interplay these days between academia and professional practice. In the USA it is commonplace for lawyers to move easily back and forth between the two spheres, but here, with some notable exceptions, such as Lord Macphail and Sir Gerald Gordon, it is less common.

It is often a criticism of academics that they are unfamiliar with the world of modern legal practice. It is often said of practitioners that they lack an understanding of what the universities are really trying to do. There would be much to be gained from greater crossover. It would be of benefit to legal teaching to be infused with an understanding of how lawyers really behave in 2007. It would assist the development of law if practitioners had more access to current debates in the universities.

This issue of engagement is of general concern. Senior lawyers have expressed disappointment at the apparent lack of willingness of the Scottish Parliament to consider innovative proposals for changes to the law when suggested by the profession. At the same time, few lawyers have really engaged with the parliament. Some seem contemptuous of it and

most are simply concerned with day-to-day business and keeping heads above water.

In Scotland, when suggestions for change come from any particular sector, there seems to be an automatic assumption that the ideas must be self-serving. This appears to reflect a prevailing view that if someone is perceived to have an economic interest in an outcome, proposals from that source should be met with suspicion. In truth, an argument about conflict of interest could be made about anyone or any group: we all have our own interests. But many people have higher goals and principles. That, traditionally, has been a role for our profession, including academia.

Gore and Sir Neil are two outstanding examples of leaders with higher aspirations. One would hope we might learn from them and engage in the kind of dialogue that is essential if we are to take this nation forward.