

BOOK REVIEW

M Beloff, *MJBQC: A Life Within and Without the Law*, Hart Publishing, 2022, ISBN 978-1-84946-666-0

1 One suspects that the publishers of *MJBQC* must have been grinding their teeth as, shortly after publication, the death of Her Majesty Queen Elizabeth II rendered the author MJBKC and the book title an historical curiosity. Be that as it may, this is a delightful account of the life and times of one of Great Britain's most distinguished lawyers and public figures and, so far as the Channel Islands are concerned, judges. The author is apologetic for serial name dropping, but when you have reached the pinnacle of your profession, that is inevitable. As Isaiah Berlin remarked when similarly challenged, "That is just what the Queen Mother was saying to me the other day".

2 Amongst other gems, the reader learns that three of the author's grandparents were gold medallists at the University of St Petersburg while the fourth, Simeon, was born in the Russian shtetl of Tzczuzin. It was Simeon (a man of business rather than an academic) who transferred the Beloff family (originally Rabinowitch) to London early in the 20th century. The author's father, Max Beloff, (Lord Beloff FBA, FRHistS, FRSA,) was an historian and life peer. Michael Beloff would no doubt admit to being born with a silver spoon (silver-plated at least) in his mouth. Early life passed at the Dragon School and Eton, followed by study at Magdalen College, Oxford. He was President of the Oxford Union, which might have laid the foundation for a career in politics, but that was not to be.

3 The author has compartmentalised his autobiography as, to an extent, he has done to his life. The reader is taken through Oxford of the 1960s, Gray's Inn (because his mentor John Morris "did not recognise even the existence of alternatives"), and the successful application for silk at the age of 38. He recovered from the congratulations of an Oxford neighbour who told him "I know someone once who got silk and never received a single brief" and did indeed receive many fascinating briefs, described with the self-deprecating dry humour which is his hallmark.

4 In 1994 followed the transition to academia when the author was appointed as President of Trinity College, Oxford. One of his senior fellows was Dr Alan Milner, known to Channel Islanders as the founder and editor in chief for many years of the *Jersey Law Reports* (and from

2000 of the *Guernsey Law Reports* too).¹ While abhorring any objectionable discrimination of any kind, he expresses himself uncomfortable with the wokeness of focussing on the “right” proportion of students from BAME backgrounds. As he astutely observes, the English football team of 2020 would not have enjoyed the success it did had its squad not been selected on the basis that they were the pick of the footballing crop.² One of the undoubted privileges of the presidency is the ability to invite a glittering array of cabinet ministers, ambassadors, lawyers, sportspeople, and other distinguished persons to dine (or even lunch) at High Table. That is a particular privilege in Trinity which has long enjoyed a well-deserved reputation for culinary excellence. Sadly, I speak not from personal experience.

5 In 2006 it was farewell to Trinity, and a return to the Bar or, as the author puts it “Second time around the track”. Although Beloff claims it recalled the lament of Count Orsino to his court musicians “’Tis not so sweet now as it was before”, it was nonetheless, by the standards of lesser mortals, full of interesting challenges and escapades. He advised the Garrick Club on the legality, not the morality, of the maintenance of the bar to female membership, later enjoying an excellent dinner to celebrate victory over the forces of progress (on whose side he asserts he was).³ He records his election as Treasurer of Gray’s Inn and the stresses on the Master Treasurer’s waistband associated with that high office. Interestingly, and rather sadly, he writes of unsuccessful attempts to seek appointment to the House of Lords.⁴

6 Many in Jersey and Guernsey will enjoy the chapter on “Politics and the Law”, and another entitled “Judge Not Lest Ye Be Judged”. Subscribers from the smaller Bailiwick will be particularly pleased that a photograph appears of Beloff dressed for the Court of Appeal of Guernsey (but not one of Jersey) and pointing out the apparently superior toque worn in that jurisdiction. It is clear that his time as a judge of both appeal courts in the Channel Islands was one of great enjoyment and stimulation. One might regret some of the typos (*clamor*

¹ And, of course, as sub-editor of this *Review*.

² In fact, 10 of the 26 were non-white.

³ He risks a prediction that the Garrick will soon follow the example of the Oxford and Cambridge Club (and most others) in admitting women. Indeed, a motion has even been tabled in the House of Commons congratulating the Women at the Garrick Club Campaign on collecting more than 300 signatories.

⁴ Some assumed that he already was ennobled. I rather liked the reference to a Hong Kong dinner attended by Boris Johnson, then Mayor of London, and a guest speaker, when he spotted Michael Beloff and shouted out “and there’s the great Lord Beloff!” The former PM was never a one for detail.

BOOK REVIEW

de haro) and the absence of accents (*desastre*) but these are minor gripes. He was sworn in (by the author of this review) as an “ordinary judge of the Court of Appeal”⁵ in Jersey on 23 October 1995 and held office in both Bailiwicks for 19 years.⁶ He says that he participated in over a hundred cases. Certainly, his contribution to the jurisprudence of the Islands over a wide-ranging area of law was remarkable. He made several important contributions to that jurisprudence extrajudicially by writing for this *Review*.⁷ But primarily it was in his judicial capacity that his mark was made in the Islands. In *Planning and Environment Committee v Lesquende Ltd*⁸ he delivered the judgment of the Court of Appeal holding that judicial review was available in Jersey to control abuse of executive power and that its function was similar to that wielded in other common law jurisdictions; namely, decisions could be quashed on grounds of illegality, irrationality or procedural impropriety. That was one of the early foundations of this significant area of administrative law.

7 Notwithstanding his enjoyment of judicial life, his autobiography makes it clear that the author’s passions were more often engaged by his involvement in sport. He missed an athletics blue at Oxford by a whisker but later became involved as a lawyer in the burgeoning area of sports law, both as an adviser and advocate and as an arbitrator. The chapter entitled “My Sporting Life” is the longest in the book, and replete with stories and anecdotes of his involvement with sportsmen and women and their triumphs and disasters. He was involved with the Court of Arbitration for Sport (both as advocate and arbitrator), the International Cricket Council (as chairman), the British Association for Sport and Law (President for two terms) and countless other sporting organisations both national and international. The author contends persuasively that a *lex sportiva* has emerged embracing contract, administrative, employment and intellectual property law, amongst others. He co-authored one of the first books on sports law and

⁵ At a constitutional conference in Jersey (see *Dependency or Sovereignty—Time to Take Stock* (2012, St Helier, Jersey and Guernsey Law Review Ltd)) Lord Falconer PC, QC, one of the speakers, said in opening a session chaired by Beloff “there is absolutely nothing ordinary about the Honourable Michael Beloff QC” (*ibid* at p 88).

⁶ He continued to sit judicially in Jersey as a Commissioner of the Royal Court for a further three years after his retirement as an appeal court judge.

⁷ See, e.g. “The Human Rights Act 1998—a year on” (2002) 6 *Jersey Law Review* 10 and “Judicial review in England and Wales: the state of the art revisited” (2009) 13 *Jersey and Guernsey Law Review* 143.

⁸ 1998 JLR 1.

continues to edit the Sweet and Maxwell *International Sports Law Review*.

8 This is an exhilarating and engaging story of a legal life which is at times learned, and at times reflective, but always hugely entertaining. You should buy it!

Sir Philip Bailhache was the Bailiff of Jersey and President of the Jersey Court of Appeal between 1995 and 2009. He has been the Editor of the Jersey and Guernsey Law Review since its foundation (as the Jersey Law Review) in 1997.