

Nicholas HD Foster: Curriculum Vitae

Key Points

Research: comparative commercial and general comparative law, with special reference to Islamic commercial law and Arab Middle East law; theory and comparison of corporate law; founding editor of the *Journal of Comparative Law*.

Teaching: SOAS Director's Teaching Prize 2005-2006; extensive teaching experience; set up various new courses and a new MSc.

Education

1976-80	Trinity Hall, Cambridge	MA: Part 1 Law, Part 1 Arabic (2:1)
1980-81	College of Law, Guildford	Solicitors' Final Examination (no longer a solicitor)
1981-82	Université d'Aix-Marseille III	Diplôme d'études supérieures d'université (3rd level, French law)
1983-85	Coward Chance	Articles

Associate Member, International Academy of Comparative Law; Fellow, Observatory of European and Comparative Private Law; Member, Society of Legal Scholars, International Society for Islamic Legal Studies; Fellow, Higher Education Academy.

SOAS Centres: Islamic and Middle Eastern Law (Co-Director, 2004 to 2007); Near and Middle Eastern Studies; Financial and Management Studies. Associate Member Department of Finance and Management Studies.

Employment History

Aug 2009–present	Senior Lecturer, School of Oriental and African Studies, University of London (SOAS)
1999–2009	Lecturer in Commercial Law, SOAS
1996–1999	Lecturer (part-time), SOAS
1993–1996	Sole practitioner; Visiting Lecturer, SOAS
1992–1993	Nabarro Nathanson, Solicitor, Banking Department
1989–1992	Guy Faustaire, Managing Partner
1985–1989	Coward/Clifford Chance, Solicitor, Company/Commercial Department
1983-1985	Coward Chance, Articled Clerk

Teaching

<i>New Programmes</i>	MSc Finance and Financial Law (Law aspects); Masters courses - International and Comparative Corporate Law; International and Comparative Commercial Transactions; UG courses - Comparative Company Law; Introduction to European Law; Introduction to Law and Legal Processes; Company Law; Islamic Finance and Insurance (not yet running)
<i>PhD Supervision</i>	Islamic, Middle East, Chinese and Malaysian commercial/corporate law
<i>Teaching</i>	As above for new courses, plus MSc Financial Law; Legal Aspects of Corporate Finance, Obligations I (Contract); Introduction to English Law; Law and Development (mainly WTO, World Bank and IMF); Conflicts of Laws (mainly Contract, Tort and Jurisdiction and Judgments)
<i>Innovation</i>	Use and exploration of new technology (Virtual Learning Environments, PowerPoint etc); introduction of a compulsory mootng programme
<i>Other</i>	Lord Chancellor's, Chinese Judges and European Union programmes; China Europe International Business School, Shanghai; guest lecturer, Korea University, Ewha Woman's University and Pusan University
<i>External Examiner</i>	University of East Anglia, Norwich Law School, LLM 2008-2009: Company and Corporate Finance; The Law and Practice of International Project Finance; Foundations of International Commercial Law; International Economic Law.

Administration

Undergraduate Tutor 1999-2005

Supervising the UG programme. Drafting of *SOAS Law Department: A Guide for Undergraduates*. Reforming late assignment process (reformed procedure adopted by Faculty in 2003-2004). Setting up pilot departmental database. Setting up and administering new UG external teaching budgeting and teaching allocation system. Participating with library staff in the engagement of our first Law Librarian, introduction of WestLaw, Lexis/Nexis and HeinOnline services, legal journal web-page.

Deputy Examinations Officer 1996-1999; 2007-2009

Responsible for production and review of UG examination papers, liaison with external examiners. Setting up reformed and improved system, including standardised formatting for UG papers and a macro system.

Academic Programme Director (joint) MSc Finance and Financial Law, 2002-2004; Admissions Tutor (joint) MSc Finance and Financial Law, 2002-2003; Academic Advisor (Law) MSc Finance and Financial Law, distance learning version, 2002-2003; Member, Learning and Teaching Committee, Centre for Finance and Management Studies, 2002-2003; Member, Learning and Teaching Committee, Faculty of Law and Social Sciences, 2003-2007, 2008-; Member, Health and Safety Committee, SOAS, 2003-2004, Chair, 2004-2007; Member, Society of Legal Scholars, Libraries Committee, 2002-2007; Member, Subject Area Board in the Social Sciences, University of London, 2007-2008; Member, various PhD Appellate Committees, University of London

Research

Editorship

Founding editor of the *Journal of Comparative Law*, principal editor from inception to 2007.

Publications

Articles

My research to date can be divided into three areas:

- Islamic commercial law and the law of the UAE;
- comparative commercial law and general comparative legal studies; and
- theory and comparison of corporate law.

A. *Islamic Commercial Law and the Law of the UAE: Specialist Studies and Comparative Perspectives*

1. 'Commercial Security over Movables in the UAE: a Comparative Analysis in the Light of English Law, French Law and the Shari'a' (1997-1998) 4 *Yearbook of Islamic and Middle Eastern Law* Kluwer Law International 1-61
2. 'Guarantees in the UAE: a Comparative Analysis in the Light of English Law, French Law and the Shari'a' (1998-1999) 5 *Yearbook of Islamic and Middle Eastern Law*, Kluwer 42-87
3. 'The Islamic Law of Real Security' (2000) 15 *Arab Law Quarterly* 131-155
4. 'The Islamic Law of Guarantees' (2001) 16 *Arab Law Quarterly* 133-157
5. 'Transfers of Rights and Obligations in the UAE: a Comparative Analysis in the Light of English Law, French Law and the Shari'a' (2000-2001) 7 *Yearbook of Islamic and Middle Eastern Law* Kluwer 3-70
6. 'Owing and Owning in Islamic and Western Law' (2003-2004) 10 *Yearbook of Islamic and Middle Eastern Law* Brill 1-37
7. 'An Unstoppable Force Meets a Movable Object? Assignment of Rights in the UAE' (2005) 19 *Arab Law Quarterly* 165-186
8. 'Encounters between Legal Systems: Recent Cases concerning Islamic Commercial Law in Secular Courts' (2006) November/December *Amicus Curiae*, 2-9
9. 'Islamic Commercial Law: An Overview (I)' (2006) *InDret: revista per a analisi del dret* (online journal) (4) 384
'Islamic Commercial Law: An Overview (II)' (2007) *InDret: revista per a analisi del dret* (online journal) (1) 405

10. 'Islamic Finance Law as an Emergent Legal System' (2007) 21 *Arab Law Quarterly* 169-187

B. Comparative Commercial Law and General Comparative Legal Studies

11. 'Transmigration and Transferability of Commercial Law in a Globalised World' in Öricü, Esin and Harding, Andrew (eds) (2002) *Comparative Law in the 21st Century*, Kluwer 55-73
12. 'Foundation Myth as Legal Formant: The Medieval Law Merchant and the New Lex Mercatoria' (2005) *Forum Historiae Juris* (online journal - 6,700 words)
13. 'The Journal of Comparative Law: A New Scholarly Resource' (2006) 1 *Journal of Comparative Law* 1-12
14. Commissioned, facilitated and edited 'A Fresh Start for Comparative Legal Studies? A Collective Review of Patrick Glenn's *Legal Traditions of the World*, 2nd edition' (2006) 1 *Journal of Comparative Law* 1-199
The following sections were written by myself:
 - 'A Fresh Start for Comparative Legal Studies? A Collective Review of Patrick Glenn's *Legal Traditions of the World*, 2nd edition: Introduction' 100-107
 - 'Islamic Law as Tradition: Chapter 6 of Patrick Glenn's *Legal Traditions of the World*' 147-150
 - 'Kindling the Debate on Diversity: Chapter 10 of Patrick Glenn's *Legal Traditions of the World*' 174-176
15. 'Comparative Commercial Law: Rules or Context' in Öricü, Esin and Nelken, David (eds) (2007) *Comparative Law: A Handbook* Hart 263-285

C. Theory and Comparison of Corporate Law

16. 'Company Law Theory—England and France' (2000) 48 *American Journal of Comparative Law* 573-621
17. 'The Theoretical Background: The Nature of the Actors in Corporate Social Responsibility', in Tully, SR (ed) (2005) *The Handbook of Corporate Legal Responsibility*, Edward Elgar 3-19
18. (With Jane Ball) 'Imperialism and Accountability in Corporate Law: The Limitations of Incorporation Law as a Regulatory Mechanism', in Macleod, S (ed) (2006) *Global Governance and the Search for Justice: Corporate Governance* Hart 93-107
19. 'Perception, Language and "Reality" in Corporate Law Theory' (2006) 17 *King's College Law Journal* 299-324

Notes

1. 'The Civil Law/Commercial Law Distinction in Arab Commercial Law' (1998) 10 *Wig and Gavel (University of London Law Journal)* 142-144
2. 'The Journal of Comparative Law' (2005) 7 *Rechtsgeschichte* 230-231
3. 'Editorial Note: Symposium on "Legal Transplants"' (2006) 1 *Journal of Comparative Law* 235-236

Current Research and Research Projects (in approximate order of readiness)

My present research is mainly concerned with two related topics:

1. the history of corporate law in its origin systems and its spread in the 19th century, mainly through colonialism – this is a long-term project with Peter Muchlinski in which we envisage writing at least one book if not two or three, holding at least one conference aimed at the production of a special issue of the *Journal of Comparative Law* and an edited collection of essays and perhaps setting up a Centre for International and Comparative Corporate Law;
2. the transformation of law in the Middle East with particular reference to the role of commerce and commercial law in the transformation and the formation of the present structure of private law.

At the same time I remain interested in Islamic finance.

Work in progress:

1. Islamic Perspectives on the Law of Business Organisations I: An Overview of the Classical Sharia and a Brief Comparison of the Sharia Regimes and Western-style Law

Accepted by the *European Business Organization Law Review* (approx 14,000 words).

2. Islamic Perspectives on the Law of Business Organisations I: An Overview of the Classical Sharia and a Brief Comparison of the Sharia Regimes and Western-style Law

Accepted by the *European Business Organization Law Review* (approx 15,000 words); awaiting some revision. May be split into two articles, the third on Islamic corporate governance and corporate social responsibility.

3. 'The Law of Islamic Finance: Re-imagination or Reception?': conference paper to be amended for publication.

4. 'Commercial Law: The Thin End of the Wedge in the Westernisation of Law in the Middle East': workshop paper to be amended for publication in the edited volume deriving from the workshop.

- 5 (?) Article on the history of French company law, drafted as a chapter of the book on International and Comparative Company Law, may be published as a separate article.

Secured Credit in an Islamic Context: The UAE Law of Security over Movables: advanced work in progress.

Publication of selected opinions by W Ballantyne on Islamic and Gulf commercial law: medium-term project.

‘The “Mixed Systems” of the Arab Middle East’: conference paper which may be written up as an article.

“‘Problematic at Best and Uninteresting at Worst’? Comparing the Sharia and Western Civil and Commercial Law’: conference paper which may be written up as an article.

International and Comparative Corporate Law (with Peter Muchlinski): long-term project.

Collaboration with Ian Edge on a series of articles on Islamic and Gulf commercial law: long-term project.