

## DEAN WILNER MEMORIAL ARTICLE

*Patrick Latham\**

Gabriel opened the doors of his Brussels Seminar in 1973. The resolve required to take this determining step was fully present with him. It was recognised, expected, and appreciated by every member of the Faculty whom he had carefully assembled during the preceding weeks, months, and years. Indeed, it was appreciation from everyone who knew how important it was that specialists properly acquainted with their respective spheres of influence deliver the most up-to-date teachings about Europe.

He recruited me the following year, which meant, amongst other things, that from midsummer 1974 until the close of the July 2009 Brussels Seminar, he gave me the highly agreeable and recurring task of explaining to the students he brought with him the key aspects of the European Community, later the European Union. The young people, mostly American law students, who crossed the pond in search of illumination on those endless subjects, received full measure for their pains. The beauty of my position lay in the fact that courts of law—notably the European Court of Justice, but also national courts—and the EU’s lawmakers consistently added to the wad of law as the years came and went, and there was always something new to explain. Good, even very good, that during our tour of the United States (my wife Margaret visited thirty-four states, and I covered thirty-two), we came across U.S. citizens whose acquaintance with Europe was—dare I say it?—sometimes slender. For example, some knew Brussels as a little town in France—whereas it vies for consideration as a serious contender for capital of Europe. Others were convinced that Europe has only one system of law, whereas, although the EU now has twenty-seven Member States, almost exactly the same number of countries have individual systems of law but are not Members of the EU, including: (i) the five official candidate States: Croatia, Iceland, Macedonia, Montenegro, and Turkey; (ii) the three potential

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\* Manchester Grammar School preparatory department. Later, Pocklington School, East Yorkshire 1937–1944, which had been formerly attended by the anti-slavery campaigner William Wilberforce, MP for Kingston upon Hull, a Christian writer and social reformer. This School will be celebrating its 500th Anniversary in 2014. University of Liverpool’s Department of Law for LL.B degree 1955–1957. St. Peter’s College, Oxford, in the Honours School of Modern Languages (French and German) 1945–1948.

candidate States: Albania, Bosnia, and Herzegovina; and (iii) among others, Andorra, Belarus, Georgia, Moldova, Serbia, Ukraine, Vatican City, Western Russia, the Channel Islands, the Isle of Man, Faroe, Liechtenstein, Monaco, Norway, San Marino, and Switzerland. By counting the systems that exist in the wider European area, one can easily reach a total of at least forty, and some tallies may go even higher.

Gabriel understood without any explanation that like other lawyers at the European Commission, one of my tasks was to search for uniform solutions when conflict of laws was at issue. He knew that my training, like his, had been in the common law. This similarity made discussion between us relatively easy, and I remember interesting talks we had on questions as diverse as whether U.S. law, notably certain provisions of the UCC concerning unconscionable terms of contract, could offer glimpses of solutions that would fit usefully in a draft proposal that the Commission was to prepare for a directive on unfair terms in contracts with consumers, and whether the UCC's compact way of regulating security interests in movables could suggest solutions at a Pan-European or even an UNCITRAL level. The fact is that the more we discussed the problems, the more readily they began to return to their true shape and size—thereby encouraging us to believe that we could win!!!

Gabriel was an excellent leader to have for the Brussels Seminar—he saw the target, took careful aim, and hit the exact spot from where the highest score would result. I sincerely hope that the Seminar will resume its activity in 2011—or as soon as possible thereafter. I shall be glad to help, if needed, in restoring it along the path that Gabriel created so successfully for more than thirty years.