

**LORD WEDDERBURN OF CHARLTON QC, FBA**  
(13 April 1927- 9 March 2012)

We mourn the passing of Bill Wedderburn, Britain's greatest labour lawyer. He made a unique and outstanding contribution to the subject as a scholar and teacher, a practising barrister and parliamentarian. He was Honorary President of the Industrial Law Society from 1997 until his death.

Bill's scholarship and teaching revolutionised labour law as an academic subject. In 1959 only four of the twenty university law faculties taught anything which would now be recognised as 'labour law' or 'employment law'. In 1961, Bill persuaded a reluctant Cambridge Faculty to allow him to introduce, under the rubric of 'Industrial Law', an undergraduate course covering both individual and collective labour law. Today, thanks in large part to those whom he taught or were inspired by his writings, every self-respecting university boasts a course, although Bill was disparaging about those 'employment law' courses that ignore what were for him the all-important collective aspects.

Reading *The Worker and the Law* (which had a similar content to his Cambridge course) when it was first published in 1965 was for many of us like discovering a new planet. The book opened with the memorable sentence that conveyed the prevailing ethos: 'Most workers want nothing more of the law than that it should leave them alone.' It went on, in a lucid almost racy style accessible to both professional and lay readers, to explain this sentence in the context of labour history, in which the law had played such a great part,

and of the common law, that ‘law behind the law’, which Bill, himself a sophisticated common lawyer, always insisted must be understood by every labour lawyer. His method inspired by Kahn-Freund was ‘to work through the black-letter analysis of the law and neither go around it nor get stuck in it.’ The book was a best-seller that went through three editions, the last in 1986, three times longer than the original. He then realised that the subject had become too large, complex and juridified to be presented concisely in a comprehensive and readable way –workers now ‘wanted’ the law as some kind of substitute (which he thought it never could be) for declining collective power.

Many of Bill’s new ideas first appeared in the 14 major articles he contributed to the *Industrial Law Journal*, starting in the very first issue in 1972, and ending in 2007. One of the important shifts in his thinking came as a result of his membership of the Bullock Commission on *Industrial Democracy* (1977); in an article with Paul Davies, disagreeing with Kahn-Freund, he envisaged a new ‘land of industrial democracy’ or ‘conflictual partnership’ resting on both extended collective bargaining and representation of workers on company boards. His work as a member of the Comparative Labour Law Group, which published three major works, and his intimate knowledge of the labour law of his beloved Italy, gave all his work an important comparative element. He was, however, a Eurosceptic because he believed that the economic freedoms accorded to capital in the Community treaties were not matched by corresponding fundamental rights for workers, a view confirmed for him by the *Viking* and *Laval* cases in the European Court of Justice. For this reason he was ‘proud but rather surprised’ to be presented in 1996 by his colleagues with a *Liber Amicorum* on European Community Labour Law! He

was also sceptical of the value for workers' rights of the European Convention on Human Rights but his views mellowed after the Court of Human Rights adopted more union-friendly interpretations of 'freedom of association'.

As a barrister he played a leading role in advising the unions on the Heath Government's ill-fated Industrial Relations Act 1971 and in the subsequent cases involving 'labour injunctions' a term never quite understood by the Labour ministers with whom he worked. When Labour came to power in 1974, he was the chief architect of the restoration and extension of the 'golden formula' of trade disputes immunities in the Trade Union and Labour Relations Acts of 1974 and 1976. He was made a life peer in 1977, poking gentle fun at the honours system by adopting in his title the name of the football club of which he was a devoted fan all his life. As a Labour front bench spokesman, he subjected each of the Thatcher Government's eight employment bills to closely argued critical scrutiny. He was also critical of aspects of the Blair Government's employment legislation, not least the subsequently repealed provisions of the Employment Act 2002 on dispute resolution. A man with unswerving principles, he resigned the Labour whip in 2006, while remaining in the Party, because of his opposition to the Iraq war, and the 'cash for honours' scandal. He resumed the whip after the election as Leader of Gordon Brown.

Bill believed that labour law 'is not an area of law which anyone can discuss without making apparent his attitudes' The attitude which was apparent in all his work was his deep commitment to the rights of workers and trade unions. He was proud to discover

that he was a descendant of Robert Wedderburn (1762-1832), born of a slave mother and an active participant in the anti-slavery movement. Bill's own great passion for social justice shone through all he did. He was a generous friend, a stimulating colleague and a man of great wisdom and humanity.

BOB HEPPLER

**900 words**