

## Dr Matthew Dyson

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(mob) +44 (0)7813 101 340; Associate Member of 6 KBW College Hill Chambers.

### Education

January 2005-May 2009: PhD (Cantab.).

“Interfacing Tort and Crime: the Development of Fault in England and Spain since 1850”, Faculty of Law, University of Cambridge (supervised by Professor David Ibbetson; examined by Professors Miquel Martin Casals, Girona, and Paul Mitchel, UCL);

2001-2004: BA (Hons.)(Cantab.).

### Research Interests

English Tort law and Criminal law; civil and criminal procedure.

Modern comparative legal history, in Europe, the Americas and Australia from 1800.

### Recent Employment History

October 2016-present: Associate Professor at the Faculty of Law, University of Oxford and Tutorial Fellow of Corpus Christi College, Oxford.

October 2011-September 2016: Fellow and Director of Studies, Trinity College Cambridge, member of Governing body, teaching Tort law, Criminal law and Roman Law.

October 2008-September 2011: Fellow and Director of Studies, Jesus College Cambridge, member of Governing body, teaching Tort law, Criminal law and EU law.

### Selected Publications

#### *Edited Books*

[2018] (with B. Vogel) *The Limits of Criminal Law* (Intersentia)

[2018] *Regulating Risk through Private Law* (Intersentia).

[2018] *Blackstone's Statutes on Criminal Law 2018-2019* (OUP) (amongst other editions).

[2016] (with J. Lee & S. Wilson Stark) *Fifty Years of the Law Commissions: The Dynamics of Law Reform* (Hart).

“a lively and wide-ranging examination of fifty years of law reform” Prof Kenneth Reid (2018) *Edinburgh Law Review* 174

“[the editors] should be commended for bringing together such an impressive range of contributors, but also, considering the number of chapters, for compiling a thematically coherent and focused collection, aided in no small part by the wide ranging and provocative chapters written by the editors themselves.” Dr Jon Child, (2017) *Legal Studies* 569

[2015] *Comparing Tort and Crime* (CUP).

“*Comparing Tort and Crime* is an extremely valuable book that, in its conception and execution, meets the highest standards.” Prof. Prue Vines, (2016) 32 *Sydney LR* 273

“the book is a great piece of scholarship, full of detailed information and well-thought analysis that was simply not available before.” Dr Marta Infantino, [2016] *European Review of Private Law* 917.

[2014] *Unravelling Tort and Crime* (CUP).

[2013] (with D. Ibbetson) *Law and Legal Process: Substantive Law and Procedure in English Legal History* (CUP).

*Articles (peer reviewed journals)*

- [2018] “Principals without distinction” [2018] Crim LR 293-317  
[2017] “Ever working in practice, but never in theory? The new English law of criminal complicity” [2017] *Zeitschrift für die gesamte Strafrechtswissenschaft* 232-263.  
[2016] “If the present were the past” [2016] *American Journal of Legal History* 41-52.  
[2015] “Might alone does not make right: justifying secondary liability” [2015] *Criminal Law Review* 967-985.  
[2015] “La respuesta del derecho civil a sentencias penales en Inglaterra y España” *InDret* 3/2015, 1-53.  
[2015] “The future of joint-up thinking: living in a post-accessory liability world” (2015) *79 Journal of Criminal Law* 181-197.  
[2015] with John Randall QC, “Criminal convictions and the civil Courts” [2015] *CLJ* 78-108.  
(2012) “Civil law responses to criminal judgments in England and Spain” (2012) *3 Journal of European Tort Law* 308-345.  
[2012] “The timing of tortious and criminal actions for the same wrong” [2012] *CLJ* 85-116.

*Book Chapters*

- [2019] (forthcoming) “Comparative Legal History: Methodology for Morphology” in Olivier Moréteau et al (eds) *Edward Elgar Handbook of Comparative Legal History*  
[2018] “Overlap, Separation and Hybridity Across Tort and Crime” in Dyson and Vogel (eds) *The Limits of Criminal Law* (Intersentia).  
[2018] (with B Vogel) *Introduction, eight comparative conclusions* and “Reflections on Criminal Law in England and Germany” in Dyson and Vogel (eds) *The Limits of Criminal Law* (Intersentia).  
[2018] (with Sandy Steel), “Risk and English Tort Law” in M Dyson (ed) *Regulating Risk Through Private Law* (Intersentia), 23-54.  
[2018] “What does risk-reasoning do in Tort law” in M Dyson (ed) *Regulating Risk Through Private Law* (Intersentia), 455-512.  
[2017] (with Aniceto Masferrer), “The Lawyers’ Reality: Wrongdoing in Spain in the Era of Codification” in A. Sinclair & S. Llano (eds) *Writing Wrongdoing*, 19-33.  
[2017] (with Paul Jarvis) “Remedies of the Criminal Courts” in G. Virgo and S. Worthington (eds), *Commercial Remedies: Resolving Controversies* (CUP), 515-541.  
[2017] “The State’s obligation to provide a coherent system of remedies across crime and tort” in A. du Bois-Pedain et al. (eds) *Criminal Law and the Authority of the State* (Hart), 171-198.  
[2017] “R v. Hancock and Shankland” in P. Handler, H. Mares and I. Williams (eds), *Landmark Cases in the Criminal Law* (Hart), 283-307.  
[2016] “Precariousness as rhetoric: the role of the state in private and public expressions of justice” in C. Lageot & N. Papineau (eds), *Approches franco-britanniques de la précarité: principe(s), droit(s), pratique(s)* (LGDJ), 133-150.  
[2016] “Judicial Decision-making in England Today” in J. Basedow, H. Fleischer & R. Zimmermann (eds) *Legislators, Judges, and Professors* (Mohr Siebeck), 97-150.  
[2015] “Tort and Crime” in Mauro Bussani & Antony Sebok (eds), *Comparative Tort Law: Global Perspectives* (Edward Elgar) 93-121.  
[2015] with John Randall QC, “England’s Splendid Isolation”, in M Dyson (ed), *Comparing Tort and Crime* (CUP) 18-72.  
[2015] “Tortious Apples and Criminal Oranges” in M Dyson (ed), *Comparing Tort and Crime* (CUP) 416-475.  
[2014] with Sarah Green, “The Properties of the Law: Restoring Personal Property through Crime and Tort” in Dyson (ed), *Unravelling Tort and Crime* (CUP), 389-421.

- [2014] “Ligations Divide and Conquer: Using Legal Domains in Comparative Legal Studies” in Helleringer & Purnhagen (eds), *Towards a European Legal Culture* (Hart, Beck Nomos), 115-137
- [2013] “Challenging the Orthodoxy of Crime's Precedence over Tort: Suspending a Tort Claim Where a Crime May Exist” in Chamberlain, Neyers & Pitel (eds), *Challenging Orthodoxy in Tort Law* (Hart), 119-143.
- [2009] *Cambridge Yearbook of European Legal Studies* 247-288: “Connecting Tort and Crime: Comparative Legal History in England and Spain since 1850”.

#### *Shorter Articles*

- [2017] “The smallest fault in manslaughter” [2017] *Archbold Review*, vol 6, 4-6
- [2017] “Frederick Pollock, *The Law of Torts*” in Serge Dauchy et al. (eds), *The Formation and Transmission of Western Legal Culture: 150 Books that made the law in the Age of Printing* (Springer), 411-413.
- [2016] Letter to the editor [2016] *Crim LR* 638-642.
- [2015] with Kourosh Saeb-Parsy et al. “Transplanting suboptimal organs: medicolegal implications” *Lancet* 2015, 386: 369-371.
- [2014] *Criminal Law Review* “Scrapping *Khan*? The Court of Appeal and intending all you attempt” [2014] *Crim LR* 445-450.
- [2013] “Symposium on Legal Domains and Comparative Law. Wheels Within Wheels: Using Legal Domains for Domestic Comparative Law” (2013) 17(3) *The Edinburgh Law Review* 420-424, symposium ends 430.
- (2010) “Public Order on the Internet” (2010) 2 *Archbold Review* 6-9.
- (2007) “*R. v Rahman* [2007] EWCA Crim 342: Fundamental Similarity in Secondary Liability” (2007) 4 *Archbold News* 4-6.

#### *Case Notes*

- [2018] (with P Jarvis) *Ivey v. Genting* (2018) 134 *LQR* 198
- [2016] *CLJ* 196-199 *R. v. Jogee; Ruddock v The Queen* [2016] UKSC 8; UKPC 7.
- [2010] *CLJ* 425-428, *R. v. Thompson and Mendez* [2010] EWCA Crim 516.
- [2006] *CLJ* 10-13, *R. v. Rimmington; R. v. Goldstein* [2005] UKHL 63.

#### *Book Reviews*

- (2011) *ICLQ* 1096-1098, Paula Giliker *Vicarious Liability in Tort: A Comparative Perspective*, CUP, 2010.
- [2010] *CLJ* 678, M. Dougan & S. Currie (eds) *50 Years of the European Treaties Looking Back and Thinking Forward*, Hart, 2009.
- [2008] *CLJ* 215-216, D. Beyleveld & R. Brownsword *Consent in the Law*, OUP, 2007.
- [2007] *CLJ* 237-238, Mark van Hoecke (ed.) *Epistemology and Methodology of Comparative Law*, Hart, 2004.
- [2005] *CLJ* 503-504, Martin Loughlin *The Idea of Public Law*, OUP, 2003.

#### **Grants and Awards**

- 2017: £6,000 (Research Support Fund) for Assize Seminars and The Limits of Criminal law
- 2015: £24,000 Cambridge Humanities Research Grant Scheme (CHRGs) and Trinity College for Private Law Network on Risk and Private Law project.
- 2015: £4,000 Philomathia and ESRC for seminar on law and organ transplants.
- 2014: £5,000 (Society of Legal Scholars) and £6000 (Modern Law Review Seminar Series) for “50 years of the UK Law Commissions”; with James Lee and Shona Wilson Stark.
- 2013: £12,700, Trinity College, Cambridge for “Comparing Tort and Crime” project.
- 2012: £6,000 CHRGs for “Unravelling Tort and Crime” project.
- 2007 and 2008: £6,000 (total), Max Planck Society Scholarship.
- 2007: £5,000, UK Foundation for Uniform Law Scholar 2007

#### **Honours and Associations**

2016-present: President, formerly Secretary General (2012-2016), then Vice-President (2016-2018) of the European Society for Comparative Legal History.

Book Review Editor (non-American books) *American Journal of Legal History* (2018-)

International Advisory Board for *Glossae* (2012-); *Comparative Legal History* (2012-);

*Zeitschrift für Europäisches Privatrecht* (2017-); *Zeitschrift für Internationale*

*Strafrechtsdogmatik* (2017-); Journal of the *Instituto Brasileiro de Estudos de*

*Responsabilidade Civil* (2018-)

2015-2016: academic advisor to appellants in *Jogee*; *Ruddock* [2016] UKSC 8; UKPC 7.

2015: Elected associate member of the International Academy of Comparative Law.

2014: Invited to give oral evidence to House of Commons Justice Select Committee on Joint

Enterprise; cited in report of December 2014, Fourth Report of Session 2014-15, HC 310.

2014-present: Research Fellow at the Utrecht Centre for Accountability and Liability Law

2012-present: Fellow of the European Law Institute.

2004-present: Member of Lincoln's Inn. Elected Lord Denning Scholar (2004).

### **Visiting Positions**

January 2017: Visiting Professor, Université de Paris – Dauphine.

September 2016: Visiting Scholar, University of Cape Town.

April 2015: Inaugural Bonfield Fellow, University of Iowa Law School, USA.

April 2015: Visiting Scholar, Washington University, St Louis, USA.

February-March 2015: Visiting Professor, University of Sao Paulo, Brazil.

July 2011-2016: Guest Professor in Anglo-American Civil Law, University of Göttingen.

March-April 2011 and 2013: Parsons Visitor, University of Sydney Law School.

January-February 2011: Faculty Visitor, Harvard Law School.

June-July 2010: Visiting Professor, Universitat de València, Facultat de Dret.

May-July 2008, April-August 2007: Research Fellow, Max Planck Institute for International and Comparative Private Law, Hamburg, with Professor Reinhard Zimmermann.

August 2006: Visiting Scholar, Institute des Hautes Etudes Sur La Justice, Paris.

2005, 2006, 2008 (5 visits): Visiting Scholar, Universitat de Girona, Facultat de Dret.

### **Teaching Activities**

Lectured and given small group teaching (groups of 2-4) in Criminal law (since 2005), Tort law (since 2008), and European Legal History (2013-2015). Small group teaching in Roman Law (since 2011), in Oxford and Cambridge.

Course design, overall responsibility and delivery in Criminal law (Oxford, 2018-present) and in Tort law (Guest Professor for Anglo-American Civil Law, University of Göttingen, 2011-2018 when the programme ended; Australian Tort Law for the University of Sydney (JD and Combined Honours) 2011 and 2014; full Comparative Law undergraduate course, University of Technology Sydney, August 2014. Taught EU law and EU Trade Law 2008-2012.

### **Administrative Roles and Positions of Responsibility**

Extensive experience in bringing scholars and stakeholders together in conferences, workshops and seminars. Selected examples include:

- Sole organiser of workshops and conferences for *Regulating Risk through Private Law* (30 delegates, 2016), *Unravelling and Comparing Tort* (25 delegates, 2013-2014) and the European Group on Transnational Litigation (10 delegates, 2006).
- Co-organiser for The Assize Seminars (50 delegates, 2017-present), *The Limits of Criminal Law* (15 delegates, 2017-2018), Sub-optimal Organ Transplants (20 delegates, 2016), Law Commissions 50<sup>th</sup> Anniversary Conference (60 delegates, 2015) the Cambridge-Poitiers Conference (60 delegates, 2014), the ESCLH Biennial Conferences (150 delegates, Macerata 2014, Gdansk 2016 and Paris 2018); the British Legal History Conference (150 delegates, 2011), and six large European Legal Development conferences (20-100 delegates, 2005-2008).

March 2005 to present: Access work for Colleges and Universities. Presentations and seminars with 14-18 year olds throughout the UK on substantive legal topics and applications

to study law. Set up first selective Residential Open Day for Law in Cambridge and in Oxford and one of the first Law Essay Prizes, and the first Legal Reasoning Prize for sixth form students. See also, e.g., [www.ccc.ox.ac.uk/Corpus-Christi-s-Law-Diary-2017-2018/](http://www.ccc.ox.ac.uk/Corpus-Christi-s-Law-Diary-2017-2018/).

October 2009-present: PhD Mentor (2 years), LLM Mentor (2 years) in Cambridge; BCL/MJur Academic advisor in Oxford; Board of Review for PhD thesis, University of Valencia. Supervision of graduate student theses at Master's level.

January-April 2010: Acting Dean (Discipline) of Jesus College, Cambridge.

2009-2011; March 2018 to present: Complete re-writing of statutes of two Oxbridge Colleges

### **Languages**

English (native tongue).

French and Spanish (advanced reading; intermediate written and spoken).

Portuguese, German and Swahili (beginner)

### **Selected Conference Papers and Seminars**

July 2018: Obligations IX conference, Melbourne, 'Times a-changin: the relative appeal of formalism and substance in tortious legal development'.

November 2017: Keynote lecture, "Legal History: Reflecting the Past and the Present", Lund University, Sweden.

July 2016: Obligations VIII conference, Cambridge, "Foreman good, to judge better: the post-revolutionary effects of losing the civil jury".

April 2016: Criminal Bar Association, London, Lecture: "Complicity in the Criminal Law after *Jogee & Ruddock* – The Principles Re-stated".

April 2015: University College Dublin, Colloquium on Coherence, Keynote Address, "Reasoning through Coherence".

April 2015: Tulane University, Staff Seminar, "Comparing Tort and Crime".

March 2015: Pontificia Universidad Católica, Chile, Lecture: "Comparando "Tort" y "Crime"".

February 2015: University de Sao Paulo, Brazil, Guest Lecture: "Maçãs responsáveis e laranjas criminosas".

January 2015: Addenbrooke's Hospital Transplant Unit, Departmental Seminar, "The legal regulation of transplanted organs which transfer infection".

April 2014: UCL Obligations Conference: "Comparing domains of law: understanding where the law crosses the boundaries it has created".

September 2013: Universidad Carlos III, Madrid, Spain, Guest Seminar "Per Delictum, Ex Delicto: Comparing Tort and Crime".

July 2013: British Legal History Conference, "Why English civil law has not developed to return specific property".

February 2013: Cambridge Centre for Research in the Arts, Social Sciences and Humanities, "Understanding Legal Development: Method in Law, History and Language".

February 2012 and June 2013: Wrongdoing in Spain 1800-1936: Realities, Representations, Reactions (AHRC project 2011-2014) Workshop, Clare College Cambridge, two papers.

January 2012: Goodhart Seminar, Cambridge, "Reform, Reorganise, Repeat, Restate: First Thoughts on How Lawyers Think about Change".

November 2012: University of Edinburgh, Private Law Discussion Group, "Wheels within Wheels: using legal domains to do comparative law".

July 2012: European Society for Comparative Legal History, "Unearthing Spanish Unjust Enrichment: Old Roots and New Shoots for Legal Development".

April 2011: University of Sydney, Staff Seminar, "Why tort lawyers think about a claimant's illegality".

January 2011: Harvard Law School, Lecture, "Dancing on the Border of Tort and Crime".

November 2008: American Society of Legal History Annual Meeting, Ottawa, "Legislative Bars to Later Actions in the Common Law".

September 2007: *European Group on Transnational Litigation* on "The House of Lords and Comparative Legal Methods: The Cases of Causation in Tort."

July 2007: *Aktuelle Stunde* (Departmental presentation and discussion on new research), Max Planck Institute, Hamburg, “Outsourcing the Functions of Tort Law”.