

Curriculum Vitae

Nicholas HD Foster

Key Points

Research

General comparative law

Comparative commercial and corporate law

Islamic commercial law

Law of Islamic finance

Teaching

SOAS Director's Teaching Prize 2005-2006; broad range of subjects taught.

Administration

Extensive administrative experience, including:

UG Tutor 1999-2005

UG Deputy Examinations Officer 1996-1999 and 2007-2013

devised numerous administrative systems.

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

Employment History

2018-present	Independent scholar, Research Associate, SOAS University of London
2009–2018	Senior Lecturer in Commercial Law, SOAS University of London
1999–2009	Lecturer in Commercial Law, SOAS University of London
1996–1999	Lecturer (part-time), SOAS University of London
1993–1996	Sole practitioner; Visiting Lecturer, SOAS University of London
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

Research and Publications

Editorship Etc

Principal founder of the *Journal of Comparative Law*, principal co-editor inception to 2007

Principal founder, director and secretary of The Association for Comparative Legal Studies Limited, owner of the *Journal of Comparative Law* and the book series *JCL Studies in Comparative Law*¹

Founder and editor, SOAS Law of Islamic Finance Working Papers Series²

Publications

Reports for Governments

1. (With a colleague) (2017) Supplementary report on the same topic (c 7,300 words)
2. (With a colleague) (2016) Report on law reform (c 37,600 words)

Edited Collections

3. '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
4. (with Camilla Baasch Andersen) 2006 (1) *Journal of Comparative Law*
5. (with Camilla Baasch Andersen) 2006 (2) *Journal of Comparative Law*
6. 2007 (1) *Journal of Comparative Law*

¹ <https://www.wildy.com/books?utf8=%E2%9C%93&author=&title=&publisher=&series=160&isbn=&keywords=&published>.

² <https://www.soas.ac.uk/cimel/workingpapers/>.

7. (With Neo, D) 'Dispute Resolution and Insolvency in Islamic Finance: Problems and Solutions - Seminar 19 September 2013: Report of Proceedings' (eds) (2014) Centre for Banking & Finance Law, Faculty of Law, National University of Singapore, report number CBFL-Rep-NFDN1 / CIMEL, SOAS, University of London, *SOAS Law of Islamic Finance Working Papers Series No 7* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
8. (With Maria Federica Moscati and Michael Palmer) Issue 2014 (2) *Journal of Comparative Law* (section entitled *Interdisciplinary Study and Comparative Law*) 1-310
9. (With Maria Federica Moscati and Michael Palmer) *Interdisciplinary Study and Comparative Law* (JCL Studies in Comparative Law No 15) (2016) Wildy, Simmonds & Hill (a reprint in book form, with amendments and additions, of the section of the 2014 (2) issue of the *Journal of Comparative Law* mentioned above)

Articles

10. '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
11. '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
12. '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
13. 'Company Law Theory—England and France' (2000) 48 *American Journal of Comparative Law* 573-621
14. 'The Islamic Law of Real Security' (2000) 15 *Arab Law Quarterly* 131-155
15. 'The Islamic Law of Guarantees' (2001) 16 *Arab Law Quarterly* 133-157
16. 'Owing and Owning in Islamic and Western Law' (2003-2004) 10 *Yearbook of Islamic and Middle Eastern Law* Brill 1-37
17. 'Foundation Myth as Legal Formant: The Medieval Law Merchant and the New Lex Mercatoria' (2005) *Forum Historiae Juris* (online journal - 6,700 words)
18. 'An Unstoppable Force Meets a Movable Object? Assignment of Rights in the UAE' (2005) 19 *Arab Law Quarterly* 165-186
19. 'The Journal of Comparative Law: A New Scholarly Resource' (2006) 1 *Journal of Comparative Law* 1-12
20. 'Encounters between Legal Systems: Recent Cases concerning Islamic Commercial Law in Secular Courts' (2006) November/December *Amicus Curiae*, 2-9

21. 'A Fresh Start for Comparative Legal Studies? A Collective Review of Patrick Glenn's *Legal Traditions of the World*, 2nd edition: Introduction' in Foster, NHD (ed) '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* 100-107
22. 'Islamic Law as Tradition: Chapter 6 of Patrick Glenn's *Legal Traditions of the World*' in Foster, NHD (ed) '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* 147-150
23. 'Kindling the Debate on Diversity: Chapter 10 of Patrick Glenn's *Legal Traditions of the World*' in Foster, NHD (ed) '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* 174-176
24. 'Perception, Language and "Reality" in Corporate Law Theory' (2006) 17 *King's College Law Journal* 299-324
25. 'Islamic Commercial Law: An Overview (I)' (2006) *InDret: revista per a analisi del dret* (4) 384 (15 pp)
26. 'Islamic Commercial Law: An Overview (II)' (2007) *InDret: revista per a analisi del dret* (1) 405 (20 pp)
27. 'Islamic Finance Law as an Emergent Legal System' (2007) 21 *Arab Law Quarterly* 169-187
28. 'Islamic Perspectives on the Law of Business Organisations I: An Overview of the Classical Sharia and a Brief Comparison of the Sharia Regimes with Western-Style Law' (2010) *European Business Organization Law Review* 3-34
29. 'Islamic Perspectives on the Law of Business Organisations II: The Sharia and Western-style Business Organisations' (2010) *European Business Organization Law Review* 273-307
30. 'The Emergent Islamic Finance Legal System: A Practical Method or a Dead End?' (2011) 182 *New Horizon*
31. 'Commerce, Inter-Polity Legal Conflict and the Transformation of Civil and Commercial Law in the Ottoman Empire' in Cotran, E and Lau, M (eds) (2011-2012) 17 *Yearbook of Islamic and Middle Eastern Law*, 1-49
32. 'Commerce, Commercial Law and Legal Transformation' (2012) 7 *Journal of Comparative Law* 214-226
33. "'Змішані правові системи" арабського Близького Сходу' (2013) 2 *Порівняльне правознавство (Comparative Jurisprudence)* (in Ukrainian: 'The "Mixed Systems" of the Arab Middle East') 283-298

34. “‘Lead Us Not into Temptation’”: the Formulation of the Present Orthodoxy and the Deficiencies of Regulation’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 1* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
35. ‘Making People Behave Properly in Islamic Finance: Some General Thoughts’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 2* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
36. ‘Some Thoughts From Legal Academia On “Reappraising The Islamic Financial Industry After The Downturn: Introspective Reflections”’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 3* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
37. ‘Islamic Financial Intermediation: Revisiting the Value Proposition - The Role of Law’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 4* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
38. ‘Operating with a Truncated Legal System: Financial Law without Insolvency Law’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 5* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
39. ‘Limited Liability and Islamic Law’ (2014) *SOAS Law of Islamic Finance Working Papers Series No 6* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
40. ‘Some Concepts and Related Terms for the Analysis of the Law of Islamic Finance’ (2015) *SOAS Law of Islamic Finance Working Papers Series No 8* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
41. (With Maria Federica Moscati and Michael Palmer) ‘Introduction’ (2014) *Journal of Comparative Law* 1-16
42. ‘Moving Forward in the Study and Practice of Islamic Finance: Makhoul’s *L’émergence d’un droit international de la finance islamique : Origines, formation et intégration en droit français* A lecture delivered at the Collège des Bernardins, Paris, 19 November 2015’ (2015) *SOAS Law of Islamic Finance Working Papers Series No 9* available at: <http://www.soas.ac.uk/cimel/workingpapers/>
43. ‘The Financial Shari’a as Law and as Ethics: A Suggestion’ (2016) *SOAS Law of Islamic Finance Working Papers Series No 10* available at: <http://www.soas.ac.uk/cimel/workingpapers/>

Book Chapters

44. ‘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
45. ‘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

46. (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
47. 'Comparative Commercial Law: Rules or Context' in Örüçü, Esin and Nelken, David (eds) (2007) *Comparative Law: A Handbook* Hart 263-285
48. (With Maria Federica Moscati and Michael Palmer) 'Introduction' in Foster, NHD; Moscati, MF; and Palmer, M (2016) (eds) *Interdisciplinary Study and Comparative Law* Wildy, Simmonds & Hill Publishing

Notes

49. 'The Civil Law/Commercial Law Distinction in Arab Commercial Law' (1998) 10 *Wig and Gavel (University of London Law Journal)* 142-144
50. 'The Journal of Comparative Law' (2005) 7 *Rechtsgeschichte* 230-231
51. 'Editorial Note: Symposium on "Legal Transplants"' (2006) 1 *Journal of Comparative Law* 235-236
52. 'Dispute Resolution and Insolvency in Islamic Finance' in Foster, NHD and Neo, D (eds) 'Dispute Resolution and Insolvency in Islamic Finance: Problems and Solutions - Seminar 19 September 2013: Report of Proceedings' (eds) (2014) Centre for Banking & Finance Law, Faculty of Law, National University of Singapore, report number CBFL-Rep-NFDN1 / CIMEL, SOAS, University of London, *SOAS Law of Islamic Finance Working Papers Series No 7* 9-11
53. (with Chelladurai, C and Lye, KC) 'Arbitration/ADR in Islamic Finance' in Foster, NHD and Neo, D (eds) 'Dispute Resolution and Insolvency in Islamic Finance: Problems and Solutions - Seminar 19 September 2013: Report of Proceedings' (eds) (2014) Centre for Banking & Finance Law, Faculty of Law, National University of Singapore, report number CBFL-Rep-NFDN1 / CIMEL, SOAS, University of London, *SOAS Law of Islamic Finance Working Papers Series No 7* 41-43

Unacknowledged contribution

Loan and Security Documents: A Negotiating Handbook, 1st Edition: Jordan Publishing Limited, Rabinowitz, G and Beattie-Jones, V 1995

Much of the standard form contract which forms the core of this book was drafted by me as an employee of Nabarro Nathanson.

Forthcoming

(With Simon Archer) 'Islamic Financial Law: Law without a Legal System' (to be submitted to the *International and Comparative Law Quarterly*)

Work in Progress

1. Project: 'Trade and the Making of Modern Legal Systems in the Eastern Arab World'
2. Article: 'Categorisation, Comparative Law and Mixed Systems'
3. Article: 'Problematic at Best and Uninteresting at Worst'? Comparing Remote Legal Systems'
4. Article: 'Islamic Finance in France: A Clash of Cultures?' (with Amel Makhlouf)
5. Article: 'Categorisation, Comparative Law and Mixed Systems'
6. Article: 'French Corporate Law History: An Introduction'

Research Events

Journal of Comparative Law Workshop, 'Interdisciplinary Study and Comparative Law', 25 July 2013 and 21 February 2013, University of Notre Dame in London (with Maria Federica Moscati)

Centre for Banking and Finance Law, National University of Singapore, 'Dispute Resolution and Insolvency in Islamic Finance: Problems and Solutions', 19 September 2013, National University of Singapore (with Dora Neo, NUS)

Teaching

Innovation

Participated in the introduction of the first virtual learning environment into SOAS; mooted; various innovations in teaching, including a new approach to examination preparation both generally and in Company Law.

Programme Revision

Overhauled the UG programme when UG Tutor 1999-2005.

New Programmes Introduced

MSc programme Finance and Financial Law (Law aspects, in association with Finance and Management colleagues)

New Modules Introduced (LLM/MA)

Commercial Law
Company Law

Comparative Commercial Law (formerly International and Comparative Commercial Transactions)
Comparative Company Law
Foundations of Comparative Law
International and Comparative Corporate Law
Introduction to Law and Legal Processes
Law of Islamic Finance

PhDs

1. Mohammad Ali Ansari-Pour 2001
'The Development of the Iranian Law of Contract since the Revolution'
2. TANG, Xiangdong 2010
'How Far Will Imagination Reach? – Shaping the Chinese Foreign Bank Regulatory Regime'
3. HUANG, Xiao 2011
'Cross-listing of Chinese Companies in Hong Kong: A Critical and Comparative Analysis of the Motivations for China/Hong Kong Cross-listing and Its Role in the Integration of the Chinese and Hong Kong Stock Markets'
4. Sulaiman Al-Turki 2012
'Codification of Islamic Law in Saudi Arabia'
5. Jonathan Ercanbrack 2012
'The Law of Islamic Finance in the United Kingdom: Legal Pluralism and Financial Competition'*
6. Mohammed Al-Sewilem 2013
'The Legal Framework for Foreign Direct Investment in the Kingdom of Saudi Arabia: Theory and Practice'
7. Anselmo Samussone 2014
'Corporate Governance and Legal Protection of Minority Shareholders in Mozambique'*
8. Lucja Nowak 2014
'Exploring the Limits of the Concept of Legitimate Expectations in Investment Treaty Law: A Study in Comparative Law and the Development of International Law International Investment Law'*
9. Ebbe Rogge 2016
'Better Banking for Britain'*
10. Virginie Rouas 2016
'In Search of Corporate Accountability: Transnational Litigation Against Multinational Enterprises in France and the Netherlands'*
11. Radin Ariff Taquiddin Radin Amir 2017

* Effectively joint supervised with Peter Muchlinski.

‘The Role of Takaful Business Practices in the Development of Malaysian Takaful Law’

PhD Examinations

Cambridge (EU-China IP in World Trade)
Durham (Sharia governance in Islamic Finance Institutions in Malaysia, GCC and UK)
LSE (Takeover Regulation in the UK and France)
Queen Mary (Financial Transactions in Saudi Arabia)

Main SOAS Teaching in Latter Years

UG Company Law
LLM/MA Comparative Commercial Law
LLM/MA Foundations of Comparative Law (half module)
LLM/MA International and Comparative Corporate Law

Past Teaching

MSc Financial Law
MSc Legal Aspects of Corporate Finance
UG 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)

Other

Lord Chancellor’s, Chinese Judges and European Union programmes
China Europe International Business School, Shanghai
Korea University
Ewha Woman’s University
Pusan University
National University of Singapore

External Examiner

University of East Anglia, Norwich Law School, LLM 2008-2012: Company and Corporate Finance; The Law and Practice of International Project Finance; Foundations of International Commercial Law; International Economic Law; Legal Aspects of Islamic Finance

Programme Validation

Hong Kong Shue Yan University Programme, Validation of Bachelor of Commerce with Honours in Law and Business, 2007: participation in the validation

Administration

Undergraduate Tutor 1999-2005

Overhauled and supervised UG programme.

Drafted *SOAS Law Department: A Guide for Undergraduates*.

Reformed late submission assignment process.

Set up mitigating circumstances procedures (later adopted by Faculty of Law and Social Sciences, then by SOAS as a whole).

Set up and administered new UG external teaching budgeting and teaching allocation system (later adopted by Faculty of Law and Social Sciences).

Participating with library staff in the engagement of our first Law Librarian, introduction of WestLaw, Lexis/Nexis and HeinOnline services.

UG Deputy Examinations Officer 1996-1999; 2007-2013

Responsible for production and review of UG examination papers, liaison with external examiners.

Codified departmental policy, reformed system.

Chair, Departmental Learning and Teaching Committee 2017-2018

1st Year Tutor 2013-2014; 2015-2016

Co-Director, Centre of Islamic and Middle Eastern Law, 2004-2007

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, 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, 2008-2009, 2017

Member, Health and Safety Committee, SOAS, 2003-2004

Chair, Health and Safety Committee, SOAS, 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

Memberships

Higher Education Academy's Islamic Studies Project Advisory Board (Member 2009-2014)

Hong Kong Council for Accreditation of Academic and Vocational

International Academy of Comparative Law (Associate Member)

International Society for Islamic Legal Studies (Member)

London Middle East Institute

Observatory of European and Comparative Private Law (Fellow)

Qualifications, 2008-2011 (Sector/Subject Specialist)

Romanian Association on Comparative and International Law Studies (Honorary Member)

Society of Legal Scholars (Member)