Gareth Jones

Influential legal scholar from a Welsh mining town who helped to establish the law of 'unjust enrichment'

In the early 1980s a solicitor named Norman Cass embezzled £220,000 from the firm in which he was a partner, Lipkin Gorman. A compulsive gambler, he blew the lot at the Playboy Club in Mayfair. When his theft was uncovered he fled to Israel. He was extradited back to Britain and in 1984 was jailed for three years.

The other partners at Lipkin Gorman naturally wanted their money back, and a lengthy legal battle ensued. The case eventually reached the House of Lords, which ruled in 1991 that the casino should repay £150,000 of the money, having already paid out the rest in winnings to Cass.

It was a momentous judgment that finally recognised the law of restitution in the English legal system, under the principle of unjust enrichment — which is to say that anyone who receives a benefit from another party when having no right to it should be made to return it.

One of those law lords was Lord Goff of Chieveley, who a quarter of a century earlier had co-written a book that eventually led to the 1991 judgment. The book was called The Law of Restitution, now entitled The Law of Unjust Enrichment, and his co-author was Gareth Jones. “It is a very rare example of a book changing the law,” said Graham Virgo, who studied under Jones, taught the restitution course with him and is now professor of English private law at Cambridge. “All the seeds were out there, all the threads, and they pulled them all together for the first time.”

While Goff’s career would lie largely in the courtroom, Jones became one of the finest legal scholars. Apart from restitution, his interests ranged across the legal spectrum, particularly legal history, contract, property and trusts.

While Goff, the son of a lieutenant-colonel, went to Eton, Jones came from a very different background.

He was born in the mining village of Tylorstown in the Rhondda valley in 1930, an only child whose grandparents had been colliery managers. When Jones was growing up, he recounted in a 1980th birthday speech at Trinity College, Cambridge, “It was a mining valley in decline: the pits were closing.”

His father was a surveyor for Rhondda council, while his mother, Ma- bel, trained as a teacher. She had given up her career when she got married. They were both chapel-going tee totallers, Jones recalled. “Sundays were misera- ble. There I sat in my Sunday suit with no games, no newspapers and no music.”

He passed his 11-plus exam and attended Porth coun- ty grammar school. He went on to study law, first at University College London — his parents found him digs near Ele-phant and Castle with a Welsh dairyman — then at St Catharine’s College, Cambridge, and Harvard, where he was a Choate fellow for a year. As a fellow he was allowed to stay at the Harvard Club of New York City. “I did stay for five nights in the Christmas vacation,” he said, “but I could never afford to eat there.”

When his year was up he travelled across North America by Greyhound bus, then sailed to Britain from Montreal on what he described as “an ancient Cunard liner”. He went home confirmed in his af- fection for the United States. “The connec- tive enthusiasm of the society had seduced me,” he said.

Poor eyesight prevented him from doing National Service. He thought of the Bar and did his pupillage, but, he said, “there was little work and I had little money”. Instead, academia beck- oned. He spent two years as a lecturer at Oxford, dividing his time between Exeter and Oriel colleges: “Exeter was fun and academically lively,” he said. Oriel was “stuffy and pretentious”.

His two years at Oxford were to shape his life. He became a close friend of another key figure in legal academia, Brian Simpson, who later wrote the cel- ebrated book Cannibalism and the Com- mon Law. Simpson and his wife intro- duced him to Vivienne Puckridge. Within six weeks they were engaged. They married in 1959.

Simpson also introduced Jones to Robert Goff, who wanted to write a book on restitution. Jones had studied the subject at Harvard, and Goff asked him to collaborate. Six years later their book was published, the first English text in the field.

He spent three years at King’s Col- lege London from 1958 until 1961, then went to a fellow of Trinity College, Cambridge. In 1966 he returned to Harvard as a visiting professor for a year, teaching and working on what would become his acclaimed text, The Law of Charity 1932-1977.

A brilliant lecturer, he developed a following at Harvard and was offered a full professorship, which he accepted. Under US immigration law he would have to wait two years for a permanent visa. After driving across the US with Vivienne and their three children, Christopher, Steven and Alison, the family returned to Britain.

While they were waiting for his visa to come through, “so much happened. My father suddenly died. Dilys also got married. I was the only child,” Jones recalled. “In the United States there were anti-Vietnam riots, Harvard Square and campuses across the US went up in flames, and it was clear that Vivienne was not happy at the prospect of living permanently in the US.”

So he stayed at Trinity, where he became a central figure. To his “surprised delight”, he was elected Downing pro- fessor of the laws of England, one of Cambridge’s senior chairs, holding the post until 1998. He also served two terms as vice-master.

According to Virgo, Trinity is “a big college with big personalities”, but when Jones said something “people lis- tened”. As at Harvard, he was an im- mensely popular lecturer. “He taught with humour — a somewhat dry hu- mour,” Virgo said. “He was a master of the pause, just before he said something which was maybe critical about a judge or an academic. Students lapped it up.”

Like politicians, heavyweight aca- demics seem to thrive when they form a trend, teaching and working on what would become his acclaimed text, The Law of Charity 1932-1977.

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