

RICHARD CALNAN ON JURISPRUDENCE

People change

their minds.

One of the recurring themes of commercial law is the potential conflict between ensuring that the law is logical and consistent, and satisfying the practical requirements of business people.

The conventional wisdom is that common law jurisdictions prize practicality more than civil law jurisdictions. Whilst a common lawyer will say: 'That's all very well in theory, but how does it work in practice?', a civil lawyer is more likely to say: 'That's all very well in practice, but how does it work in theory?'

But even common law systems need principles and rules which are logical and consistent; and this is particularly important for the law of contract because it underpins all commercial law.

For years, there has been doubt about whether it is possible for the parties to a contract to agree that it can only be amended in a particular way. Can a contract provide that it can only be varied by a written agreement which has been signed by

the parties? A clause of this kind can provide welcome certainty. It can avoid the necessity to trawl through vast amounts of material in order to establish whether the parties really did intend to amend their contract. Order can be created out of chaos.

The problem with this approach is that an element of chaos is inherent in the way English law deals with contracts. The guiding principle of the common law of contract is that whether a contract exists—and whether it has been amended—depends on the common intention of the parties. There are very few formalities. What is important is what the parties have actually agreed. That may be messy, but life is messy. People change their minds. They may initially have agreed to formalise the way in which the contract can

be amended but, if they subsequently intend to vary the terms of the contract, they must necessarily have intended to override the formal requirement.

Until recently, few cases had considered this issue. Then, a couple of years ago, two cases came along at once, and two differently constituted Courts of Appeal decided that these variation clauses were ineffective because the parties are always free to change their minds. That seemed to have resolved the question. But, then, one of the cases went on appeal to the Supreme Court and it took the contrary view. The Supreme Court decided that these variation clauses are effective. The parties are free to write what they want in their contracts. If they agree that variations

can only be made in a particular way, then that is the only way in which they can be made.

There is something quite reassuring about this approach. The courts are giving effect to what the parties have agreed. The

giving effect to what the parties have agreed. The problem is that it looks to what they agreed at the time the contract was entered into, and not what they have subsequently come to agree. If a court is to establish the common

The Supreme Court dismissed this concern as 'entirely conceptual'. But, if we ignore the conceptual basis of legal reasoning, we end up with palm tree justice. It is always dangerous to override fundamental legal principles in the interests of convenience.

intention of the parties, logically it must do so

Next time: Sir George Jessel

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at the time the question arises.

The historian

Orlando Vidal EN MI VIETO SAN IUAN

> Twas traveling abroad for work, as I often do from my home of now many years elsewhere

■ abroad—when, on the way to my meeting, the driver's route took me past a local hotel, a nice enough place, its walls painted yellow, a little cracked, peeling in places; but what struck me was the name. It was called the Hotel Nostalgia. I smiled at this; but then the words of a tune (a song composed in Spanish) came back to me and, as I began humming it, tears welled in my eyes.

Of all boleros I know—slow-tempo, romantic, and sentimental Latin ballads—maybe of all boleros ever written, no other song captures the feeling of nostalgia better than 'In My Old San Juan'. Noel Estrada, a Puerto Rican composer, wrote this ballad in August 1943. His brother was serving overseas at the height of WWII and had asked his older brother to write a song to remind him, and his fellow Puerto Rican soldiers. of home.

Puerto Ricans in this, the world's oldest colony—whose U.S. citizens still today are not permitted to vote for their Commander-in-Chief (the President) or for Congressmen with the power to declare war—have served with distinction, have fought and been wounded, disabled, have died in all of our nation's wars since WWI in greater numbers than the sons and daughters of many other States of our Union; but that's another story.

What Estrada called a 'humble composition' has been translated into many languages and recorded

En mi viejo San Juan Cuantos sueños forjé En mis noches de infancia. Mi primera ilusión Y mis cuitas de amor Son recuerdos del alma.

Una tarde me fui Hacia extraña nación Pues lo quiso el destino. Pero mi corazón Se quedó frente al mar En mi viejo San Juan.

Adiós Borinquen querida. Adiós mi diosa del mar. Yo ya me voy Pero un día volveré A buscar mi querer A soñar otra vez En mi viejo San Juan.

Pero el tiempo pasó

Y el destino burló Mi terrible nostalgia. Y no pude volver Al San Juan que yo amé Pedacito de patria. Mi cabello blanqueó Y mi vida se va; Ya la muerte me llama. Y no quiero morir Alejado de ti Puerto Rico del alma.

Adiós Borinquen querida. Adiós mi diosa del mar. Yo ya me voy Pero un día volveré A buscar mi querer A soñar otra vez En mi viejo San Juan. worldwide; you can find it online. Even if you don't speak Spanish, the melody will convey the feeling.

In the song, an old man remembers San Juan, the city where he grew up. There, as a child, he forged so many dreams, and first experienced the pains of love. One day he had to leave, to go to a foreign (or is it better translated as 'strange'?) nation, because that's what destiny ordained; but his heart remained by the sea in his old San Juan.

He calls Puerto Rico by the name given to the land by its first inhabitants, the Taíno people: Borinquen.

Flashback to when he was about to depart: he says goodbye, but promises to return, to look for his lost love, to dream again.

Flash forward: years have passed—as they always do—and destiny 'mocked his terrible nostalgia': he was never able to return to the city he loved and now is dying far from home.

Everyone has experienced this longing for the past, for simpler and happier times, for the places we knew in days gone by. Sooner or later, life finds a way to frustrate everyone's best-laid plans. Nostalgia is sweet sorrow. But not somewhere to linger. I'll not stay in the Hotel Nostalgia.

OR is a partner in Dubai. He was born in Puerto Rico.

Way of life

Yui Ota

"I could not and did

not say a word"

n a Friday night in April, a half hour till midnight, I was still at work. It was nearing the end of spring, when Tokyo is at its best. I took the metro home from Otemachi, feeling happy about the progress I had made that week.

As the train moved, I opened my red Moleskine diary, which I use to keep track of weekend plans. Weekdays are left blank. My heart sank as I saw that I had a catchup with two friends at a hotel in Yokohama the next day, over afternoon tea. The exhaustion of a 60+ hour week swept over me. At home, I went straight to bed, hoping to find some respite the following day.

Yoshika and Takako and I have known each other since attending a private girls' high school in central Yokohama. We were all of us career-driven—our ambitions

brought us together to provide mutual support. As time passed, my friends married and started new lives. The foundation of our bond is weaker now, if not gone.

Saturday morning, another sunny day with blue skies. I dragged myself out from bed and, still feeling uneasy, put on my favourite dress to cheer myself up. The train I took south brought me to the station earlier than needed. The ocean breeze with the slight hint of saltiness and the endless movements of the Pacific Ocean always calm me down, no matter what. I decided on a slight detour, taking in the waterfront from Yamashita Park. I finally talked myself into entering the hotel.

They were at the table, chatting, when I arrived. I had not known that Yoshika was expecting. Takako, apparently also interested in the idea of babies, was nearly interrogating Yoshika. 'How did you discuss your work arrangement with your husband and the company?' 'How often should I see my doctor?' 'Are

you confident to become a good mother?' There was no trace of the ambition we once shared.

Their conversation went on. They looked so happy and excited, I could not and did not say a word. I sat on the other side, enjoying smoky Assam tea and cucumber sandwiches.

Yoshika finally asked, 'So, how have you been? You look a bit tired; is everything okay?' The words came out of my mouth, without stopping: how the work has been demanding with tight deadlines, and sleep lacking, but also how I felt a new sense of confidence and growth.

I talked about my issues with loneliness in my own country where a day can go by without speaking to anyone; and the isolation I felt from failed relationships and comparisons with my friends. Tears flowed. I was still

hoping that these two friends would show sympathy and a willingness to understand.

I managed to withdraw my tears, sip my tea (now cold) and look up, to find their faces staring at me, mouths slightly open. The three of us remained silent. It was unbearable; I almost grabbed my bag to leave.

After the silence—maybe only a few seconds but it felt like forever—Yoshika spoke: 'I am sorry but you are different. You speak very good English. You are a foreign lawyer working successfully in a foreign law firm. There is nothing to worry about. You can support yourself, not like us.'

The two went back to their conversation about kids and how their kids would look after them when they grow old. I ordered a new pot of tea, this time Earl Grey, to kill time.

At home, I sent a note to say thank you, but—I did not say I was looking forward to seeing them again. Now I have one less entry in my diary.

YO is an associate in Tokyo.

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The photo essay In your face



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Obiter dictum

Stéphane Braun In the eye of a fish



Nina Godiwalla Why?



Ivan Maslarov The photo essay In your face **Back streets**



Yui Ota Way of life



Ai Tong Stringers

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LETTERS TO THE EDITOR

Just an idea, if you and Floortje Nagelkerke are interested... we could do a skydiving feature in the next edition of *RE*:? I'll leave this with you. Perhaps you can interview Floortje as you dive out the plane.

Tarryn Lazarus, London *I'll think about that one. Ed.*

It was a pleasure reading "First Person". Excellent and heart-warming. Joseph Rizk, Arab Bank Australia First person, issue 13.

I can't tell you how many notes I've had from within and outside Norton Rose Fulbright. They all love the magazine. There's not a spare copy to be seen in Sydney.

Scott Atkins, Sydney *First person, issue 13.*

Your feature article—with the enticing headline "I'm 29: How shall I live my life?"—was an interesting window into the lives of women from across the globe but I was struck by how different the answers might have been if they had been posed to men. Women are constantly asked about marriage and children and balance. I wonder if men consider these issues as deeply or as often as women—or maybe as a society we don't call on them to answer these questions, so they are not forced to confront them all the time.

Aneesa Bodiat, Johannesburg *I'm 29, issue 12.*

'The Autism Tapes' brought me to tears, especially Lena Kosti's piece.

Alexandra Howe, New York The Autism Tapes, issue 13.

RE: gives us a chance to connect about things we are passionate about, beyond the law. It is a testament to our diversity, inclusion, intelligence and creativity. It represents our thriving company culture. I am using it to let the new joiners know who we are beyond pure business.

Attilio Pavone, Milan

RE: is amazing.
Alison Baxter, São Paulo

I love the *RE* magazine. As a relatively new hire (March 2018) I have enjoyed reading the articles and looking at the lovely illustrations.

Patricia Woodson, San Antonio

Editor's note

Following his contribution to the last issue of *RE*: on the prevailing trends in cinema, Nick Abrahams was appointed a director of the Sydney Film Festival. I don't suppose the two are connected, but I like to think so. *The moving image, issue 13*.

Most of the writers, photographers and artists featured in *RE*: are Norton Rose Fulbright people. To talk about becoming a contributor or to pass through ideas or comments, please contact the Editor.

RE: is published twice a year. It is the recipient of industry awards for its design and creativity. It remains steadfastly open to new ideas and new points of view.

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OBITER DICTUM

Latin, deconstructed By Patrick Bracher, Johannesburg

paucis verbis

With few words. The Latin phrase least remembered by lawyers.

pendente lite

While a lawsuit is pending. Not a chandelier.

per annum

Annually. The extra 'n' distinguishes it from the medical term.

per incuriam

Through lack of care. Usually used regarding an unreliable judicial pronouncement made carelessly.

per procurationem

Through the agency of. Abbreviated to p.p. when signing for another.

persona non grata

An unwelcome person. In international affairs the reason for the sudden homesickness of diplomatic personnel.

post mortem

After death. Literally, an autopsy; figuratively, a discussion about what went wrong.

post scriptum

Written afterwards. A PS; a lost device in this easy-correct digital age.

pro bono publico

For the public good. Usually 'pro-bono', referring to unpaid legal work for a good cause.

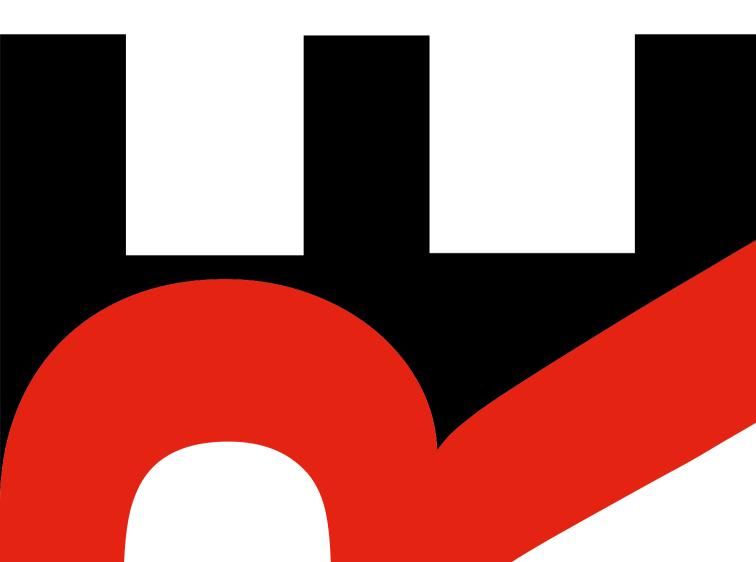
quae fuerant vitia mores sunt

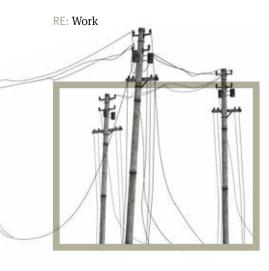
What were vices are now the fashion. Increasingly the case in this fast-moving world, as with marijuana.

This is issue 14 of *RE*:, a magazine for everyone in Norton Rose Fulbright around the world and for our friends, among them our clients and alumni. In this issue we span the whole world, from the celestial mechanics of the highest heavens to the blue of the deep underwater to the muddiest earth underfoot in the company of dogs, and the Titan gods. In addition, we set foot inside the Electric Bike Café, discover Russian animation courtesy of Mathieu Dahan in Paris, sink into heavy metal with Alexander Fane in Vancouver, ride the Tokyo metro home with Yui Ota and find out from Gerry Pecht in Houston what it means to be the child of a globe-trotting family. Finally, we include a serious and sobering article sent in by one of our readers; I hope you will read it and let me know what you think.

The next issue will appear in the summer of 2019. See you then.

The Editor





Stringers

Reports filed by correspondents across the world

WHO DID YOU VOTE FOR?

Natalia Mushinska | Russia

People, for me, are divided into those who are interested in politics and those who are not. And I sincerely do not understand why the other kind exists. Is there anyone who doesn't care about her own future, or the future of her children, or the state of the economy? As Lenin put it, 'politics is the most concentrated expression of economics.'

I was brought up in that kind of a Soviet family where politics was the main topic for discussion. My grandfather worked for the international department at the Central Committee of the communist party, specializing in the Middle East. That is why watching the daily news and talking politics at our family events was absolutely a common thing. When, recently, I discovered that it is 'indecent' to ask someone to tell you their political preference, I was surprised.

This is what happened. A New York friend (originally from Russia, but that was twenty years ago) posted on Facebook, announcing that she had voted for an American president. 'Who did you vote for?' was my innocent question. The next moment, one of her friends started throwing out comments directed at me: 'You can't ask such questions!', 'This is completely indecent!', etc.

I have been trying to grasp whether this is a new trend in Russia and I came

to the conclusion that no, not at all. Your opinion about a political candidate is not perceived as something intimate, as in America. People are happy to share.

Lately, however, a response to your preference (if not in line with the mainstream) could be so fierce that one would prefer to keep mouth shut in order not to bring on unexpected aggression. It is no secret that the tone of discussion in Russian society is intensifying year by year. If you criticize the government, you no longer induce a dialogue; most likely, you will be sent away with a flea in the ear and literally suggested to flee the country which you dare to condemn.

The new generation is different. They are more rational, less passionate. My son is twenty-six. He tells me not to waste energy on things where I cannot effect change by my own actions.

A young man flirting with a girl stops the conversation at the moment the girl makes a remark critical of the system. 'Why can't you just relax, enjoy life?'

Render unto Caesar the things that are Caesar's.

But is there anything more important than the system you are living in and the way your society is functioning? Isn't it the most interesting, most meaningful issue in life?

NM is RE:'s Moscow correspondent.

NO STANDING STILL

Alexandra Howe | United States

It's October and first signs of 'the fall' appear in New York. There is a sharpness in the air that makes people walk more briskly. Our neighbour develops a worryingly chesty cough. We hear him hacking away at night and feel vaguely guilty, as though we should knock on his door and offer him a lozenge or a cup of tea. In Central Park, the trees are dusted with colour; just a light sprinkling of yellow-gold for now. In a few weeks they will be incandescent.

One weekend, we visit Boston, where autumn is already in full swing. Boston feels an old city compared to New York and also, like most places, quiet. Many people are wearing Red Sox kit, and we watch supporters assembling for a game at Fenway Park baseball stadium. My husband denies that he would rather watch the match than go out for dinner with me. But he looks a little wistful as we walk away.

Another baseball fan, the eccentric millionaire art collector Isabella Stewart Gardner, was so devoted to the Boston-based team that visitors to her museum wearing any Red Sox paraphernalia receive discounted admission. Gardner's Boston home—modeled on a fifteenth-century Venetian palazzo—and the collection it houses, were opened to the public in 1903 and are certainly exquisite. But there is something curiously solipsistic about her legacy. Nothing about the museum, Gardner decreed, could ever be changed: nothing

added, nothing taken away, nothing even moved. Humans have always tried to come up with ways to exert their influence from beyond the grave, but this seems more like a stranglehold. In 2009, with the building facing irreparable damage from overuse, the museum fought a legal battle to deviate from the terms of Gardner's exacting will, winning permission to build a—very elegant—extension.

And in a particularly tragic illustration of the futility of Gardner's endeavour, the museum was the target of the largest ever recorded private property theft in 1990, when two thieves posing as Boston policemen stole works valued at US\$500 million. The empty frames still hang where Gardner placed them on the walls, like ghostly wounds.

We arrive back in New York at Penn Station, which we have only ever known in its current, functional, subterranean incarnation. Until 1963, when it was demolished, Penn was apparently a very grand, but dilapidated, Beaux-Arts style station. As a native Londoner, I am sometimes surprised by the lack of affection New Yorkers have for the city's older buildings, but perhaps it's more that they are just unafraid of the new. Because stasis, as every New Yorker knows, is death.

AR is RE:'s arts editor, based in New York.

BE WITH YOU IN A MINUTE

Ai Tong | China

I got my first mobile phone when I was at university in Shanghai. At that time, a phone was just a phone, so it took up only a limited amount of my time. Now, my smartphone is not just my phone: it has become my wallet, my tablet, my proof of ID.

In Shanghai, it's easy to think that everyone's got a smartphone. I look at people standing in line waiting for the bus or subway and they are all of them on their phones, reading, listening to music, even watching a movie. It's a useful tool for killing odd moments.

And paying for things. You no longer have to carry cash or a credit card. All you need do is scan the QR codes available at the merchants, and that's it. It is essential for daily dining and shopping, even down to purchasing a few spring onions for fifty cents at the farmers' market.

You can use your phone after a walk to unlock a shared bike on the street. If you go for a run by the river and come to a stop somewhere, nowhere near a 24-hour convenience store, there'll still be a vending machine marked with QR codes to quench your thirst.

When I'm in a hurry, I use my smartphone to check my real-time location and help me to request a taxi.

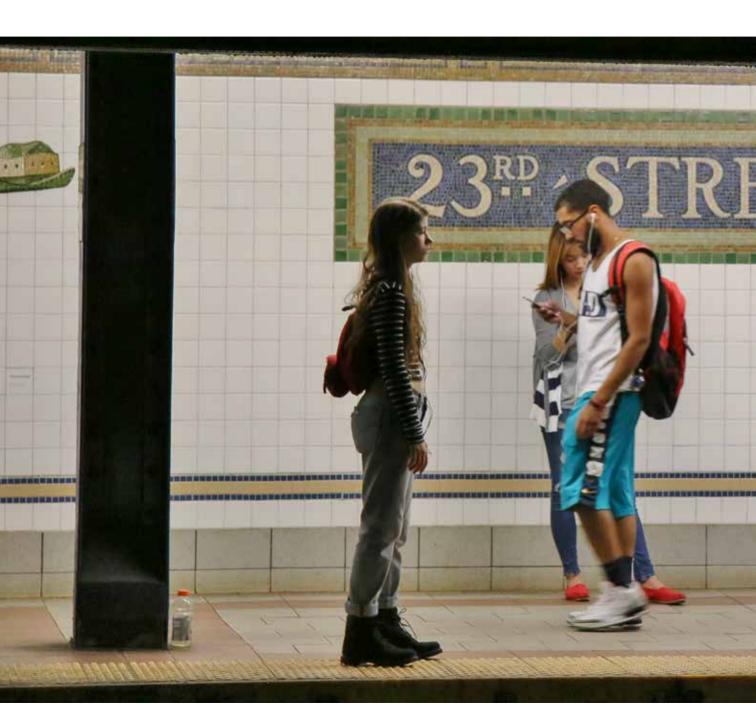
It is an information center, gathering and sharing local data. People download apps to conduct their daily life: WeChat for communication, *Taobao* for online shopping, *didi* for taxis, Ele.me for food delivery, *dianping* to rate the merchants—and at least one bank app to avoid the long queue at the bank outlets. I use fitness apps to monitor my daily exercise and diet. I even download education apps to find answers to complicated math problems which stump both my son and myself.

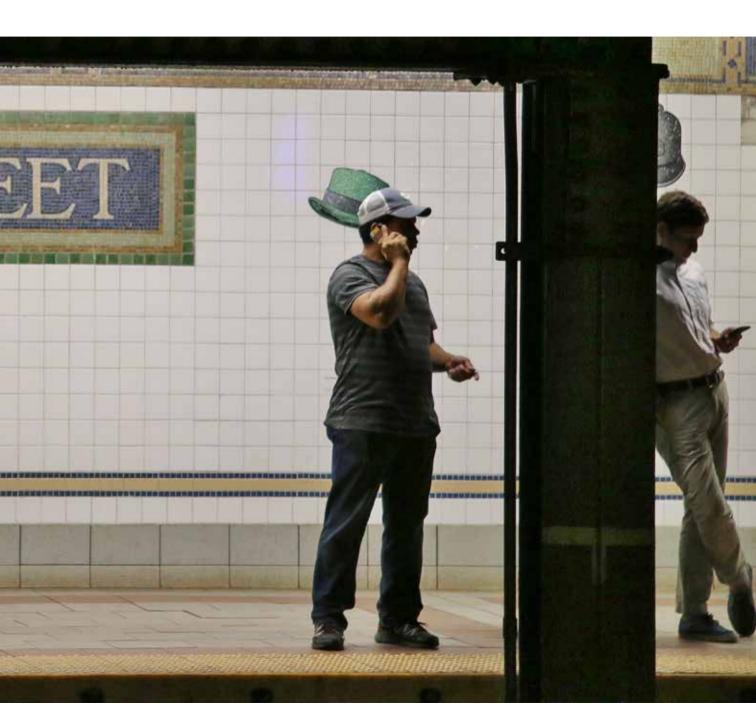
I record my daily life and every precious moment with my family on my smartphone. It's so much easier to keep up with people through photos and videos, much faster than verbal or written communication.

The younger generation in China can no longer live without smartphones. But it seems that the older generation do not benefit much from this high-tech machine. I often see occasions where older people, carrying heavy groceries, are walking slowly along the street, just because they don't know how to use a smartphone to place orders and request delivery services for their daily necessities. Or they are simply sitting, lonely, during family reunion dinners—while their children are playing games on the smartphone or are on WeChat, talking with friends.

 $\ensuremath{\mathsf{AT}}$ is a senior associate in Shanghai.

Wide angle THE NEW YORK SUBWAY BY MARTIN SCOTT







RE: does not as a rule take in anonymous submissions. This one, however, is on a subject that we think is important. Coercion—within an intimate relationship—is not much talked about, but it exists. We are grateful to this reader for helping to bring it in out of the shadows.

If you are going through anything like this, please tell someone. Ask for help.

When I met him, I was twenty-three. I had no idea what being in a serious relationship meant.

Looking back, there were things at the start that should have been warning signs. Subtle suggestions that a skirt didn't suit me—maybe I should find another one? That my hair would be prettier long, so why didn't I forget the hairdresser for a while? He didn't feel comfortable eating out, so why was I insisting?

Relationships were about compromise, I knew that much. So I compromised.

He was always a joker, so when he started pointing out my 'big nose' and 'big bum' it was all in jest. If I took it the wrong way, I was just being sensitive. Answering questions with 'you nose, big nose' was harmless banter, no big deal. He loved me—he said so—surely he didn't need to compliment me?

One evening I was late to meet him. The Central line on the tube had frozen and I was stuck between Oxford Circus and Bond Street for thirty minutes. When I finally emerged, I was met with three text messages: 'I'm here, where are you?' 'Are you taking the p***? You're late.' And finally, 'I can't be bothered with you.' That last text had been sent two minutes earlier, so I rang back and it went to voicemail. And again. And again. Eventually, he answered in silence. I apologised, begged for forgiveness, then went halfway across the city to find him. This kind of behaviour on his part was a blip: he had been looking forward to seeing me and I had disappointed him, and so he'd reacted. It was my fault. It was because he cared about me.

After two years we moved in together. He didn't want to rent long term, so we spoke about buying somewhere together. One Sunday afternoon he asked to discuss money. What followed was a forensic interrogation of my financial situation. Bank statements were gone through, payments challenged and in no uncertain terms I was made to understand that I was bad with money. As he was kind, he was willing to help me fix this. Month after month, we went through the ritual of checking my accounts, credit cards and plans. It was painful and, worse than raised voices, there was constant disappointment and disapproval. I was to pay certain amounts off in debt every month as well as contributing fifty per cent of our living costs and household bills. This

left me with around £50 a week in 'living allowance'. I couldn't plan anything socially; and anything he wanted to do, I was expected to share the cost. Financially, I was crippled, but—it was all for my own good, I would soon be debt free, life would get better.

Every time I couldn't afford to do something, I was met with a deep sigh, a roll of the eyes and, 'I suppose I will just have to cover for you, again'—another sign of his generosity and how 'lucky I was to have him' (a phrase he used often).

In the background, he was writing down every penny where I had failed to pay my fair share. This soon snowballed. Suddenly, I was not only paying towards my credit card every month, I was also paying a hefty amount to settle my debt with him. I was never told what made up that figure, just the total. If I did ask, the response was always, 'Don't you trust me? I do everything for you and this is how you repay me?'

I am not sure if you have ever been told by the person who is supposed to love you and protect you that they actually resent you. I cannot describe the hurt and guilt that goes through you in that moment. At first, you are horrified, angry; but this is quickly followed by a feeling that you are the party who has wronged the other. He would tell me repeatedly that I was a burden, 'in the losses sheet', 'a liability'. I would never find anyone who would be as kind as him, as generous and loyal. No one else would take me on.

Over the next few years, he invested in property. A lot of the time, work needed to be done, legal papers looked at and estate agent appointments kept. At work, I would receive a long list of 'Actions' for when I got home; at the same time, I was expected to clean, cook and do the laundry. He was contributing more than me financially, so it was only fair that I made up for it in other ways.

On a typical day, I cycled the eight miles to the office (to save the cost of public transport), worked a full day and cycled home. Then I cooked dinner, cleaned the kitchen, ironed his shirt for the next day and headed over to the flat he had just bought to paint window sills or strip out carpets.

If I was ever sitting on the sofa or hadn't yet done something, I was called 'lazy', 'ungrateful', 'selfish'. One weekend, he arranged to go away. I was looking forward to a couple of days to myself; then an email came in from him detailing ten viewings he had arranged for me to do across the city. On Christmas Eve one year—while he and a friend went out to buy a Christmas tree (not for our flat, I was never allowed one)—my dad and I spent the day ripping out a kitchen and taking it down four floors to be picked up by the council.

I had little time for friends or family. If we did visit my mum I was on a strict timetable: we would arrive on a Saturday evening, and on Sunday morning I had to be in the car by nine o'clock, or he would leave without me. I was given permission to go out with friends as long as it was no more than once every couple of weeks. When it got to seven o'clock, the texts would start to arrive: 'You are so selfish. There is nothing for me to eat in the house.' 'I give you so much and all you do is take-vou are useless.' 'One day I will find someone who deserves me, someone intelligent and actually pretty.' I couldn't relax and would head home by eight. not knowing what mood would greet me when I walked through the door, Often, I was met with cold silence. In the end, I stopped going out, stopped arranging anything.

When my mum was diagnosed with cancer, I did everything I could to support her. I was at every appointment and tried to hold everyone else up. He didn't come with me to see her, not once.



I stayed with her for a week after her surgery, and when I got back to London all I wanted to do was sleep. I was exhausted mentally and physically. But he had arranged a dinner with his parents. I begged to be allowed to go home to bed but was, again, told I was being selfish, I was crying for myself not my mum, and I was embarrassing him. I sat through the whole meal with a fake smile plastered to my face, while inside I was a complete mess.

Her final appointment was on a Friday morning and I was due to drive up the night before, on the Thursday. That morning, he told me that the car was no longer available to me and I would have to figure something else out—he had arranged to play golf that weekend. I went to work and was distraught. I didn't have the funds to get a last-minute train ticket and there was no way I could miss the appointment. I told a colleague, who instantly insured me on their car and arranged for me to take it that evening. No one had been that kind to me for a long time; I had forgotten what it was like.

We got the all-clear on my mum's illness after two years. When I called to tell him the news, all he said was, 'Good, now that box is ticked you can get on with what's actually important.'

We are taught that abuse is physical. You have to have bruises, someone has to hit you—and he didn't. Occasionally, he would grab and hold my wrists while laughing. Once, in the car, I took my eyes off the road to fiddle with the radio and I swerved slightly; he punched me in the side of the head because he had been scared and I had almost killed us. But I wasn't a 'battered wife'. It only happened once.

I know that, reading this, you may be shouting at the page. Before I met him I would have been, too. I was strong and independent. I was fun. I was close to my family and had great friends. The only thing I can liken it to is a rock on the coastline: waves continually rush over it but anyone who looks at it every day won't see a change, and one day all that remains are pebbles on the shore line. After a while, you start to believe everything that they say to you. I was lazy. I was a burden. He had every right to treat me the way that he did, because I was lucky to have him and wouldn't find anyone else.

One lunchtime, at work, I was-by happenstance—invited to a session being delivered by the Corporate Alliance, a charity set up in the UK to increase awareness of domestic abuse. The session began with the presenter going around the table and saving one thing to each person. It started with, 'I'm not sure about the skirt you're wearing, you would look so much prettier in another one', moving on to 'I don't understand why you need your family, you have me', and finally, 'If you tell anyone, I will kill you'. I sat in silence. Of the ten statements that she went through, eight of them had been said to me in the last two years. I left the meeting shaking. I had thought until that point that my relationship was normal.

I took eighteen months after that to muster the courage to leave.

I spoke to no one about my plans; and then, one Saturday morning almost two years ago, I told him that I was unhappy. I went to stay with my mum and didn't go back. It was the hardest thing that I have ever done.

I would like to tell you that this is the end of my story. What people don't tell you is that the time it takes to heal emotional scars is tenfold that to physical ones. I still dream that I am there and wake up in a cold sweat. Somewhere, I lost myself and am having to learn over again who I am.

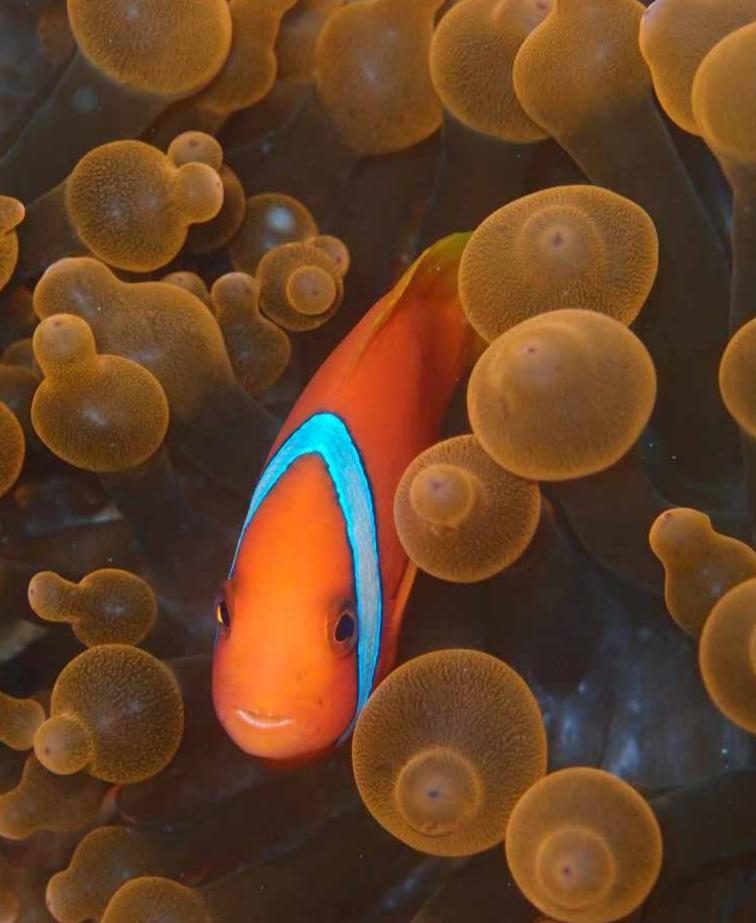
In the eye of a fish

WORDS AND PHOTOGRAPHS BY STÉPHANE BRAUN

I am an underwater photographer; an amateur. I dive close to the coral reef, where the fish are. My dives have taken me to numerous sites but these are my favourites: the tiny island of Malapascua in the Philippines, where, in a dive very early in the morning, I observed a ballet of thresher-sharks; the island of Yap in the Pacific Ocean, where I spent a few dives surrounded by the Manta rays living in those waters; the Komodo archipelago, home to the Komodo dragons, where I saw a marine landscape and richness of diversity more amazing than any I have ever seen; and the Sipadan island off the east coast of Borneo—barely discernible on a map.

The clown fish lives—usually alone or in a family unit—among sea anemones. If I come up close to take a photograph, it will swim very quickly up to my face or mask—as if it were running fast toward me—and then suddenly turn, just before hitting me. It's like a small dog barking. It's trying to impress me, to push back.









Some photographers use bulky equipment with special lenses and external lights. Once you are in the water the equipment floats, so you don't feel the weight. I like to focus on macro photography and prefer to use a small camera which is easy to hold. You have to be patient if you want to take a good shot. You learn how to remain stable and how to progress with or against the current; you learn where fish are living or hiding in the reef. It takes time to see what's in front of your eyes, but with each dive your eyes become more attuned. Underwater, you have a limited amount of air and therefore limited time. The more you move, the more air you consume—I try not to move much at all and to take advantage of the elements and the landscape surrounding me. I try to feel one with the water.

Mandarin fish come out of the reef at sunset. They are very difficult to spot and to photograph—they are very quick, very shy. They have a beautiful reproduction dance. The male and female swim up away from the coral reef; then, if you are lucky enough, you see them meet for a few seconds; and then they swim away from each other.





I like to talk with local divers and marine photographers during my trips. I am always struck by their accounts of how our marine environment was so much richer in bio-diversity even ten years ago. Our oceans are deteriorating rapidly as a result of our way of living. They observe this—and experience it—every day. Overfishing and pollution are to blame. I have seen this with my own eyes. I have seen fishermen using dynamite to fish in parts of the world; I have seen nets destroying the reef; I have seen entire coral reefs which, because of a change in the water temperature, had died.

It's easy to hurt a pygmy seahorse if you get too close or move too fast. It's not even as big as the nail of a little finger, only a few millimetres in size. Seahorses take the same form and colour as their habitat—the sea grasses, soft coral and sea fans (gorgonians)—and that makes it difficult to spot them. I have on a few occasions seen two or three together; but I usually see them alone. At times, they jump from one branch to another; it's quite rare to see, but I have seen it. When seahorses see me approach they turn their face and show me their back; it is not easy to take a photograph from the front.

We have to act, collectively and individually, to protect our planet, our oceans. It's urgent. We can start by going out and exploring our own environment, seeing its beauty, whether on the other side of the world or much closer to home. Some countries and international organizations have in recent years created protected eco-tourism areas and marine reserves—places like the Ross Sea in Antarctica and the vast Marae Moana marine reserve at the Cook Islands archipelago in the Pacific Ocean. The more I explore underwater, the more I love what I see, and want to protect it.

Turtles are suffering from pollution. They take the plastic for jellyfish. They are a little shy but turtles are not afraid of us. I can get very close. I have been able to look at the turtle from every possible angle. I have looked a turtle in the eye.







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Life

sell my blue Electra Cruiser bike that's gathering dust in the garage Olivia Newman, Sydney, book tickets to see Peabo Bryson concert in the UK Ureshnie Papanastassio, Athens, travel to Iceland to watch the Aurora Borealis Britta Pancek, Hamburg, teach my cat to stop scratching me to death Arda Cosar, Istanbul. have a beer with Jürgen Schlinkmann and finally get to know Munich! Tobias Grans, Munich. start my own cooking channel on Youtube Ramva Djealatchoumy, Paris, get six-pack abs before next birthday! Johnny Liu, Shanghai, achieve 100% completion of Red Dead Redemption 2 Yash Naidoo, Jo'burg, break personal best in upcoming marathon Polly Cheung, Hong Kong. try for 10th time to assemble vintage Vespa disassembled 13 years ago Felix Theurer, Frankfurt. ride a motorcycle to the remotest areas of the Eastern Cape, South Africa Steve Chemaly, Jo'burg, deadlift 140kg in the gym Matej Ovecka, Brussels, get in shape for backpacking trip at Philmont with my son Thomas Orsak, Austin, finish reading Mishima Yukio's tetralogy Edward Low, Singapore. get up earlier and prepare lunch box Chie Nagai, Tokyo. learn the rules of water polo—my daughter plays it and I've no idea what's going on Philip Charlton, Sydney. clean out garage and install new TV! Andreas Candis, Dallas. learn Federer's forehand Giorgio Manca, Milan. book flights to Colombia Dominica Cole, London, go cross country skiing in Canadian Rockies Hannah Buckley, Calgary. have dinner in the sky hosted at a table suspended by a crane at a height of 50 meters Jaqueline Lim, Dubai. use OLIO food sharing revolution to give away my unwanted food before it goes to waste Hannah Websper, London, cook food for elderly neighbors Alfia Sadykova, Moscow.









OSWALD'S WAY TO PILGRIMS' CROSSING

Despite being a Kentish Southumbrian, I have always found myself drawn to the north-east of England. While at Durham University I spent many (wet, windy) weekends exploring the coastline between Berwick and Newcastle. In the summer of 2017 I returned to walk Saint Oswald's Way with my father. We had, somewhat pompously, envisaged this as a pilgrimage and, while not barefoot and begging, we did rely on the generosity of strangersparticularly at the lay monastery of the Northumbria Community-for accommodation and sustenance.

Aside from the casual joys of walking a coastal footpath—fields of sea pink, diving kittiwakes, and a new vista round every headland—we were looking for something more nebulous. We wanted to find remnants of the landscapes so fondly described in Bede's *Ecclesiastical History*. This wasn't difficult. I think more than anywhere in what is now England, Northumberland wears its Anglo-Saxon history best, most proudly.

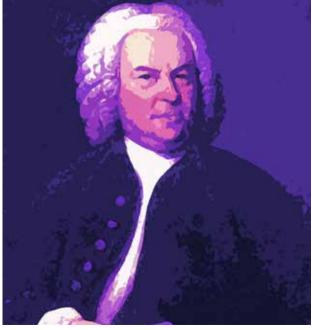
The Way took us from Heavenfield on Hadrian's wall, where Oswald triumphed in battle in 633, to the coast at Warkworth. From here we went north past the castles at Alnmouth, Craster and Bamburgh, finishing on the appropriately named Pilgrims' Crossing, a few miles across the sand from Lindesfarne, Holy Island. *Ben Cornish, London*

BY WAY OF PILGRIMAGE TO ROME

I first went to Rome in 1991 (I was thirtyone) and immediately fell in love. It was Ovid—I think—who first said that Roma is *amor*, if you look at it backwards, and he was right.

Over the years, I have gone back many times, partly for Rome and partly by way of pilgrimage. I have attended two beatifications, three canonizations, one funeral for a pope, one inaugural mass for a pope and two Holy Years. I have waited in line, sometimes overnight, to be with other pilgrims from all over the world. I was in Rome in 2013 for the conclave; I stood toward the front on St. Peter's Square





under the rain when the *Habemus Papam* was proclaimed to announce the election of Pope Francis. I find it hard to put into words the experience of standing there on St. Peter's Square with hundreds of thousands of people—two million in the case of the funeral of John Paul II—who are praying and singing together.

I go to St. Peter's Basilica at seven in the morning, when the doors open and the tourists have not yet arrived. Every time, I feel the same emotion as the first time: awe; serenity; humility. I always return. *Jules Charette, Montréal*

THE BACH PILGRIMAGE

'Bach is a free country', said the Icelandic pianist Vikingur Olafsson recently. We return to his music for so many different—often contradictory—reasons. I came to Bach through Jacques Loussier when I was a teenager and have been listening to him ever since. During my lifetime, his music has undergone a transformation in search of the sound that his audiences three hundred years ago might have listened to. As with Shakespeare, his work is created and recreated for a contemporary audience.

Bach-like Shakespeare-lived his life within a small compass. For most of his life, he lived and worked within a few hundred square miles of Thuringia, Saxony and Anhalt in eastern Germany. I went there in 2004. It was called a Bach Journey but to me it was always the Bach Pilgrimage—to hear his music in the little town of Eisenach, where he was born; to see the city of Weimar (home also to Goethe and Schiller), where he worked as a young man; and to make the journey to Leipzig, where he was kappelmeister. Sitting in the Thomaskirche-where Bach was the cantor for much of his life-listening to his Mass in B Minor performed by Paul McCreesh and the Gabrieli Consort was perhaps the highlight of my pilgrimage. Richard Calnan, London

WALKING THE CAMINO

My daughter Carli is twenty-two and a Texan, like her father. Last year she and I spent two weeks walking a stretch of the Camino toward Santiago de Compostela, in Spain. We had talked about doing this

for years and decided that my sixtieth and her graduation were sufficient reason. Actually, I just wanted to spend time with her. Three hundred kilometers should do it.

We took our first steps on the Camino in May, setting off from León. Over the next thirteen days, we talked, argued, suffered (Carli's knee), walked through fields, woods and rolling valleys, and met people from around the world. Sometimes we didn't talk at all, just stayed quiet, thinking our own thoughts.

Our days started around seven and consisted of walking. Okay, we had pauses every couple of hours for food and drink, shared with other pilgrims. By four o'clock we had found a place to rest for the night.

We met a husband-and-wife team from the U.S. He had walked the Camino with his daughter five years earlier and now wanted to share that experience with his wife. Then there was a Japanese woman who was walking the Camino to honor her father; she carried a rock with her, which she left at the Cruz de Ferro in his memory. And there was a guy from the U.S. who walked with no plan and at all times of day or night.

One day, we attended a Mass in a small candle-lit church which was conducted entirely in Gregorian chant.

On our last day, we entered the outskirts of Santiago to the tune of a light drizzle. It all ended with pictures, hugs and tears. I had experienced serenity at many places along the Camino, and this moved me. The memory stays with me. *Jim Repass, Houston*

A HANDFUL OF PEREGRINOS

In April, I found myself on a train from Madrid to San Sebastián with a thirty-five-litre pack beside me, crammed with all my worldly goods for the next five weeks. Outside, it was snowing. I was feeling deeply intimidated by the prospect of walking 820 kilometres on my own from Irún to Santiago de Compostela.

The Camino del Norte is a challenging mix of rugged coastline and mountains—with quite a lot of road walking and rain thrown

in, and only a handful of other *peregrinos*. But enough to justify the plentiful sharing of *pintxos* and bowls of *fabada* (Spain's white bean stew) together with wine at the end of the day.

I wasn't sure what I was looking for from this pilgrimage (or even if it was one). Before I left, I said it was for a bit of thinking time, a break from technology and that, in a small act of faith, I would let go of my need for control, and trust that I would find a bed each night.

I always found a bed (if not always blankets). I also found solitary paths, serendipitous meetings, shared mild insanity, compassionate fellow pilgrims (*peregrinos*) and an overwhelming sense of gratitude. And, for the next two months as I travelled around Europe, I kept finding yellow arrows pointing me to Santiago. *Catherine Bendeich, Melbourne*

A HOMECOMING

If I were to print off my family tree it would stretch for over a mile. I have been collecting names, dates, stories and photographs over the past decade to uncover my family's history and heritage.

My many journeys to places all over the world took me eventually to Monthelon, in France; and when I arrived, I felt something inside fill me up. The land called to me. The land connected with me as my feet connected with the earth. The vines, the forest, the lake, the old buildings, now housing champagne houses. It was just as I had pictured it.

Five hundred years ago, my French Huguenot ancestors farmed this area and had done so for generations, before they had to pack what they could carry and flee. They secured passage to South Africa via Belgium and were one of the first waves of settlers to the Cape in the 1600s, seeking a country where they could be free from religious persecution.

I could almost hear the horse-drawn carts winding their way around the narrow streets. I ate the bread and drank the local wine. It felt like a homecoming. Louise Moolman, Bagshot (mother of Sacha de Klerk, Toronto)



The Corporate Alliance works with UK employers to take positive action in support of individual employees who suffer domestic abuse and violence.

Domestic abuse does not only take place within the home. Abusers are known to target their victims while they are at work; 75% of people who endure domestic abuse are contacted at work by their abusers. Few people seek help or know where to go for help. At the moment, only 5% of businesses in the UK have a domestic abuse policy in place.

We know that employers can help put a stop to domestic abuse. We also know that many employers are unaware of this. This is where we can help. We equip businesses throughout the UK with the resources, knowledge and processes needed to address the issue of domestic abuse with their employees.

The Corporate Alliance is a partner of Everyone's Business, delivered by the charity Hestia. This £1m programme puts employers at the heart of providing support for prevention programmes that tackle domestic abuse through free consultations, advice and support.

12%

of those experiencing domestic abuse tell someone at work

86%

of HR leads agree that employers have a duty of care to provide support to employees experiencing domestic abuse 58%

of people enduring domestic abuse miss at least 3 days of work a month due to the abuse 1/3

domestic homicides occur on workplace grounds

Why?

Why have I stopped reading?

DYLAN MCKIMMIE PERTH

It's not so much that I've stopped a lifelong custom of reading every night but that my reading habits have evolved over the past thirteen years to accommodate the arrival of my four children.

My first child used to negotiate the number of books I should read to her before bedtime. She would start at five, I would counter with two, and we would end up with three or four, depending on at what point I lost the will to live, and capitulated to her demands. I became intimately familiar with, in some instances reacquainted with, the works of Emily Gravett, Oliver Jeffers, Julia Donaldson, Maurice Sendak and Tomi Ungerer. As Lucy grew older, we started reading 'grown-up' books, culminating

with Albert Facey's *A Fortunate Life*, a classic tale of life on the land in the early 1900s in Western Australia. After that, Lucy started reading to herself each night, for well over an hour. By then her younger sister had taken her place as my captive audience and, all in good time, we arrived again at *A Fortunate Life*, now a rite of passage in our family. Now I read each night to their younger brother; to my delight, his favourite writer is my father (Chris McKimmie, author and illustrator of at least twenty-five children's books).

Once I get through *A Fortunate Life* with my youngest child, I intend to resume my nocturnal reading habits. Along with listening to music on vinyl, reading books printed on paper appeals to my inner Luddite. The last book I read for myself was by Bob Dylan: *The Nobel Lecture*. It's a short read.

Internet speeds have freed us of the burden of taking in information through the energy-taxing process of reading words. Is it a surprise podcasts, audiobooks and Netflix are the new status quo? Single tear.

Nathaniel S. Misri, Vancouver

My working days are long and sedentary, so when I have free time I prefer to be active. Going for a run is a great stress buster—books can wait.

Rod Harrington, London

Between work and taking care of kids, there is no time left for myself. I have a stack of Japanese business management books (in Japanese) which, when I get to them, are pure pleasure.

Kenji Nakajima, Los Angeles

My uncle is a professor of psychological and brain sciences. I once heard him laugh at people's shared obsession with sitting down to finish a book. He showed me his book collection, and each book had several bookmarks. I now feel comfortable reading only a few chapters of a book, even out of order. I enjoy the insights even a short excerpt can provide.

Nina Godiwalla, Houston

ANEESA BODIAT IOHANNESBURG

That? I read all the time.

VV Tweets, hashtags, instructions on the baby porridge box. It's no *Lord of the Rings* but the drama on Instagram is often epic.

I deleted Facebook, tried to read a real book. Seven books later, I find one that leads me in; I'm slightly hooked, reaching for my phone's Kindle app between naptime and nappies; it's YA fantasy, but don't judge, what have you read lately?

Two days and five chapters in, I'm getting itchy, my mind unable to sustain the suspense that is being created by these words, these endless words, just give me the Cliff Notes' version. Wading in the shallows. I cave, Google the plot on Wikipedia and promptly abandon the book.

But wait, I've read *The Gruffalo*, in full, four times today—seven if you count the half-readings that were interrupted by short attention spans (of the two-year-old and the infant, not me).

I hear two hours' worth of talk about Michelle Obama's autobiography, from Oprah's network of podcasts of course, and I reach for my Amazon account, one-click buying. Five seconds later, the whole four hundred and forty-eight pages are in my hands. Typical time to read: 8 hours and 4 minutes, Kindle tells me.

Just 8 hours and 2 minutes longer than *The Gruffalo*.

GARETH OWENS LONDON

I used to read big books full of long words, but then my phone melted my brain. I spend all day staring at a big screen and the evening pawing at a small one. I am an addict and it is pathetic.

It is a spiralling issue; years of buying significantly more than I read means that the backlog is now an intimidating stack. I receive more each Christmas because relatives have not noticed I am no longer A Person Who Reads, and am now An Idiot. All more fodder for the stack.

I do still have it in me. On holiday this year, I wolfed down

My Brilliant Friend by Elena Ferrante. It's about Italy, I was in Italy. Fantastico! The next week, keen to maintain momentum, I bought the second book in the series. It was quite a lot larger than the first. I was no longer in Italy and had more reliable Wi-Fi. That book now lives in the stack.

Maybe the weekly phone usage reports now delivered each Sunday will shame me into action. Perhaps my thumb will fall off. More likely is that the appalling example it sets to my son, and the shameless hypocrisy with which I order him to get off the iPad and read a book, will lead to a family-wide rule system around screen time. We need saving from ourselves.

I stopped reading simply because a legal career made time a little tight. Not just that. Reading long documents for work meant that reading books for pleasure became something of a busman's holiday. The rest of my family are teachers and spend long chunks of the year devouring books. My parents have long extolled the virtues of being well-read, so I definitely feel 'under-read'. I did recently read the Bob Woodward book *Fear* and that took me less than a week to get through, so I'm not an entirely lost cause.

Matthew Longstaff, Calgary

This year I finally got around to reading Orwell's 1984 and its image of a dystopian society which has banned books. The ugly fate of the main character who clandestinely receives a book (almost) turned me off reading for good.

Christophe Hug, Montréal

I stopped reading because, as it turns out, the good books are made into movies. Now if only I could find the time to go see a movie.

Kyle Johnson, Calgary

In your face

Electric bike café

Ivan/ We rushed out into one of the many good days we had last summer. I was keen to take a picture or two on this old film camera that is completely manual and mechanical. It's so retro it's not even cool.

Most of the time people don't even realise that I am taking a photograph because I am hunched right over it, looking into it top side. To take this photograph I had to rest the camera on something, as it was quite dark inside the café and the image would have come out blurred. So I used the handlebars of one of the bikes. An employee passed by on his way to the basement. I mumbled that I was taking a photograph. He couldn't care less.

The two people sitting at the table didn't notice that I was photographing them. I pressed the shutter and then, just before we rushed out, I took another shot from a different angle—exposing the last of the twelve frames on the film—and I caught this picture.

Robbie/ Ivan and I like to take a wander in our lunch hour, and he's never without his Hasselblad camera.

Sometimes we go down to the shore line of the Thames, walking on history beneath our feet, shards, tiles, the building bricks of old London. Everything looks different from this angle. Beneath the walkways of Shad Thames, Ivan stops to frame the tunnel of repeating wooden beams. We head back toward the lanes and archways by the railway station. There's generally plenty of character waiting around there to be captured on film.

There's something about a Hasselblad that demands respect. See someone taking a photo on a smartphone and chances are you'll walk straight across them. See someone leaning over a big silver box that makes a satisfying 'click-clunk' and you'll stop, look, then walk around them.

This was taken on the day we went into the electric bike shop. Of course it's not just a bike shop, it's a café as well. We noticed this couple sitting at the table. Click-clunk, job done.





Playlist

ALEXANDER FANE VANCOUVER

Alex Fane's lifelong passion for music started with Kenny Rogers' 'The Gambler', a song which he listened to on repeat on his grandfather's record player-and still plays on the regular at parties even now. After a decidedly unsuccessful go at being a real musician, he settled on being a bigtime lawyer. But he still brings the rock and roll. Every year, Alex's '80s hair metal cover band-Standard of Hair-plays to a crowd of over a thousand people (at the Battle of the Bar Bands). Standard of Hair believe in the purity and glam of '80s hair metal, and go so far as to make sure that their tights, wigs and eye make-up are as authentic as the music that they play.

BOBCAYGEON The Tragically Hip Phantom Power, 1998

If I smell a campfire in the majestic woods of British Columbia, I hear 'Bobcaygen'. If it is a muggy, early September evening on the Platea in Montréal, I hear 'Bobcaygeon'. This song is like that old white T-shirt shirt that you put on to be relaxed and at peace. The song's simple arrangement and straightforward tone and pacing create room for some of the greatest lyrics in rock and roll, sung by the great Gord Downie in his slightly off-key croon. My favourite lyric in any song ever is from this song. 'I left your house this morning, about a quarter after nine. Could have been the Willie Nelson, could have been the wine.' I can't say why it resonates with me, and quite honestly it does not make a lot of sense. That being said, any time I am drinking wine, and Willie Nelson comes on, a smile comes across my face and I think of this song.



In 2007, as I was transitioning from my youth into adulthood, a song came along that captured the spirit of getting old, getting a job, being responsible and losing a connection with your past—set to one of the all-time great piano riffs. The song is built on a looped piano riff with various layers and instruments added and the drums slowly picking up pace and intensity until the release of the crescendo. While some may call it 'dance' music, the use of real instruments gives it an authentic and organic feel that goes with the theme of moving on and moving forward, and questioning the paths and decisions that we make. Lead singer James Murphy's voice will never be mistaken for Prince's; however, it has a sincerity and earnestness to it that is endearing.



No one is born a Leonard Cohen fan; it is something that is earned. One has to have experience in one's life to appreciate the beauty in the subtlety and simplicity of his music. Leonard's songs are poems set to music as opposed to songs with lyrics. I am not sure why the imagery of 'The Partisan' sticks in my head, but the tale of the partisans hiding in the garret and the death of the woman who gave them shelter, 'dying without a whisper', is a tale that I cannot escape. The brutality of the lyrics juxtaposed with the softness of the plucked guitar and the French vocals creates a unique sound and feeling.

TURN IT OUT

Death From Above 1979

You're a Woman, I'm a Machine, 2004

Death From Above 1979 bring an explosive energy that can light up a mosh pit in seconds with just a bass guitar and a drum kit. The distorted bass guitar sounds like a lead guitar, a bass guitar and a box of firecrackers all rolled into a ball of rushing energy that propels their songs forward with an intensity that makes your heart pound a little faster. The constant attack of the snare drum makes you want to start running as though you are being chased by a pack of wolves through the forest. While it is not true metal—in that there are no blistering fifteen-minute technical solos—'Turn it Out' has the same intensity and purity that makes metal a cathartic release for so many.

SWEET CHILD O' MINE

Guns N' Roses

Appetite for Destruction, 1987

There she was in the smoke pit outside the law school. She had a beat-up leather jacket, a large scar on her cheek, and looked like an eastern European spy. She smoked Marlboro reds and cut class on the regular. I tried to impress her by letting her know that I was into Broken Social Scene and the Stills (pretentious art house bands). She let me know that these bands were just fads and that there was no band that compared to the greatest rock and roll band of all time, Guns and Roses. This lady is now my wife and a mother to my kids; and 'Sweet Child o' Mine' is the song that will always remind me of the time that we met and the early days of our romance.



The moving image

MATHIEU DAHAN IN PARIS TALKS ABOUT MOVIES

I will go anywhere for a movie, any kind of movie. At home, I have almost a cinema screen; near where I live, there are forty movie-houses to choose from.

AN ARTHOUSE MOVIE

There are some directors who only make arthouse movies; that is their whole life; like John Cassavetes.

The Killing of a Chinese Bookie dir. John Cassavetes [1976]

Cassavetes comes up very close to the actors with the camera; sometimes you don't even know what the camera is looking at, it goes with the story; it's a cinematic approach which is typical of arthouse. The nightclub scenes in this film are extremely touching. The mobsters are cold and heartless—different from, for example, *The Godfather*. It's like Karel Reisz's *The Gambler* or Toback's *Fingers*.

Klaus Kinski is amazing in Werner Herzog's *Aguirre*, the Wrath of God. But the budget was huge, so I would not classify this as arthouse. I love Tarkovsky. *Stalker*; and *Solaris*.

France is called the home of arthouse but I have no French arthouse movies among my favourites. They do not deserve to be considered as highly as they are.

The impact of the *Nouvelle Vague* (New Wave) on the directors of the New Hollywood is unquestionable. But it was not good for French cinema. Screenwriters who had worked for directors like Renoir or Carné suddenly had no work, because movies were being made differently. And some of them were great artists. Yes, the *Nouvelle Vague* was important, but if you look at

the individual movies, they are not such masterpieces. À Bout de Souffle was made in 1960. At the time it was new and the actors were free and the camera was free. But the movie has dated: that's obvious

Jean-Luc Godard's *Le Mépris* is an exception. I like it. The tone is typical of *Nouvelle Vague*—you are in an incredibly beautiful house in an incredibly beautiful place with an incredibly beautiful woman and you are speaking about incredibly deep things

Arthouse movies are not so different from some blockbusters: if you look at Sam Raimi's *Spider-Man* (2002) or Christopher Nolan's *Batman* series, the movie concentrates first on the relationship between the characters—not the special effects.

A MOVIE FOR ALL THE FAMILY

The Lion with the White Beard dir. Andrei Khrzhanovsky [1995]

It's hard to find this Russian animation but it is out there (on YouTube). It is the story of a lion who is too old to stay in the circus. It's an homage to the world of Federico Fellini. The screenwriter, Tonino Guerra, was Fellini's screenwriter, and he worked with Antonioni and Tarkovsky. The music is by Astor Piazzolla and Nino Rota. This movie is completely overwhelming.

Wonderstruck dir. Todd Haynes [2017]

Wonderstruck tells the story of two children, one in the 1970s, the other in the 1920s. Both are struggling in life. But they keep moving forward. They overcome. This movie is really about why you are looking at movies.

You are looking because you are asking yourself, where are we going with this story?

Take Pixar, and *Cars*. Do you know where you are going with *Cars*? Will Lightning McQueen win? You don't know. My son is eight years old and a big fan, and while watching *Cars 3* he was saying, 'Oh, he will win!' I was keen to think that, but I know that it's Pixar and there will be something unexpected. Even with *Ratatouille*, you don't know where it will go. That's the way I watch a movie: I try not to see what will be at the end, just to follow it as it happens.

What you have in Pixar in terms of technology, you have in Studio Ghibli in poetry.

DON'T WASTE YOUR TIME ON THIS ONE

I have been trapped in a few French movies but will not name them.

Cosmopolis dir. David Cronenberg [2012]

Cronenberg is a great director. He made *Dead Ringers*; and *Eastern Promises*, which is a great, great gangster movie. So how could he make *Cosmopolis?* It's a movie about the future, but I would say it's a movie about nothing. It's full of pretentious speeches.

MY GUILTY PLEASURE

Goodfellas dir. Martin Scorsese [1990]

In France, the critics—the 'macmahoniens'—hate Scorsese. They say his movies are show-off. I don't agree. *Goodfellas* is a great movie. And yet. There is no psychology—it might be a French thing but in movies, like





in books, we like to have some minimum of psychology. And the women are weak—I mean in terms of writing. And sometimes the effects are there just for the sake of it. Yet this movie, which is not perfect, is the one I could look at every day.

A BLOCKBUSTER BUT WHY NOT?

Titanic is the blockbuster of the blockbusters. It's not corny at all.

Titanic dir. James Cameron [1997]

Leonardo DiCaprio is really great; the villain is very good. There is so much happening in addition to the love story. The action, which is coming and which comes quickly, is brilliant. The sinking of the ship is extremely realistic. You *feel* it as though you were there. All this money spent on the movie, it's for what? It's to make you believe it.

The movie shows that death is not the end of everything: how you live afterwards counts; and that's why it's a beautiful story.

OUT OF MY COMFORT ZONE BUT BRILLIANT

Tropical Malady dir. Apichatpong Weerasethakul [2004]

I don't easily watch movies with magic; but I glimpsed the cover of *Cahiers du Cinéma* and said to myself, watch this movie! It is a Thai movie (*Sud pralad*) and was at Cannes. It's a touching romance between a soldier and a country boy, but that's not all. There is a folk tale with a shaman and the tiger, and you follow the tiger in the jungle. This movie (its images)

made a deep impact, even though I did not understand everything. It's the same feeling you have when you watch *The Big Sleep*: you cannot understand the story; but you like it! You don't care that you don't understand it.

A ROMCOM

I think immediately of classic directors like Lubitsch and Howard Hawks and films like *His Girl Friday*. But I prefer ones with some melancholia. That's why I love Woody Allen.

Manhattan dir. Woody Allen [1979]

Woody Allen plays the main character; he meets girls; he walks in the gardens; he talks about things he is discovering; and in the end he falls in love or he thinks he falls in love but not, and that is what is sad, because he is ruining his life, he is making a mistake.

A CLASSIC TO BUY AND KEEP AND WATCH ONCE A YEAR

I could say Mizoguchi. His film *Ugetsu Monogatari* is classic in the deepest meaning—like Murnau's *Sunrise*. It's set in mediaeval Japan and is about what you lose if you have too much ambition.

But I am going to choose a Western.

Rio Bravo dir. Howard Hawks [1959]

You have two friends; one (Dean Martin) is becoming an alcoholic and the sheriff (John Wayne) is helping him get back on his feet. It's about redemption. And justice. When you are weak, if you have justice you can overcome the ones

who are stronger. That's the core of the movie, and it's the core of all classic Westerns. Of course, you need courage. There are only four of them, standing against almost an army, but they don't care. The scene where they are walking in the street together (to face the bad guys) is one of the best cinematic scenes ever.

A SIGN OF THE TIMES

It's obvious. The answer is Netflix. If Netflix were doing only rubbish, we would not speak about it. But Netflix won the Lion d'Or at Venice, with Cuarón's *Roma*. Where will you see the next Scorsese movie? On Netflix! The Coen brothers do what they want, always—and where can you see *The Ballad of Buster Scruggs*? On Netflix! Everything on your screen is changing—because of Netflix.

Netflix was built on series. In the 1980s these were rubbish; but that all changed with *The Sopranos*. And Tony Soprano, this uncool gangster, was looking at nothing but classic movies.

MATHIEU'S LIST

Great directors
Jacques Audiard
JC Chandor
Zhangke Jia
Hirokazu Koreeda
Steve McQueen
Paolo Sorrentino
Andrey Zvyagintsev

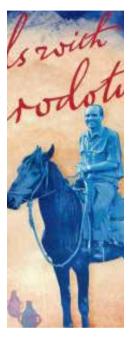
Great movies
We own the night (2007)
Bullhead (2011)
Starred up (2013)
Foxcatcher (2014)
Saul Fia (2015)
The Square (2017)
Dogman (2018)

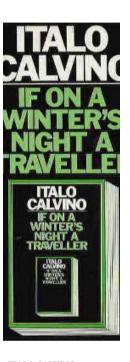
Bookshelf

SHEELA MOORTHY IN SINGAPORE ON THE BOOKS THAT TRACK HER LIFE



SHA





THE HOURS

MICHAEL CUNNINGHAM Michael Cunningham teaches creative writing at Yale. His 1998 reworking of Virginia Woolf's Mrs Dalloway is a brilliant example of modern fiction. I have read it many times over and am impressed each time by the effortless iuxtaposition of the three lives explored. The skill involved in maintaining momentum whilst switching between decades and protagonists is masterful. I'm not surprised it won the Pulitzer Prize in 1999. (In 2002 it was made into an Oscarwinning movie with Mervl Streep.)

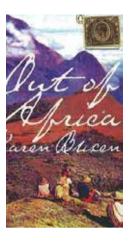
THE SHADOW OF THE WIND

CARLOS RUIZ ZAFON A cemetery of forgotten books, a tale of mystery and intrigue, set in the aftermath of the Spanish Civil War, all keep this story (published in 2001) at the top of my re-visit list. The vivid descriptions of the streets and bookstores of Barcelona position you right there next to the author as the story unfolds. I chanced upon the book in 2002, in a now defunct bookstore somewhere on a forgotten side-street in New York. It was hours before I emerged from Daniel Sempere's adventure.

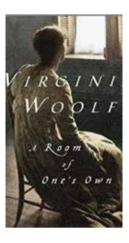
TRAVELS WITH HERODOTUS

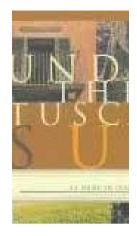
RYSZARD KAPUŚCIŃSKI Kapuściński carried The Histories by Herodotus everywhere with him on his travels. This is an insightful glimpse of history seen through the eyes of a journalist who, when he first set off on a foreign assignment, had never been out of his home country, Poland. He offers up a fresh look at Asia and at the western world. (His travels in China during the lead-up to the Cultural Revolution are a fascinating discourse on the distrust of all things foreign.) An exceptional memoirpublished in 2007-by a fine writer.

vITALO CALVINO Calvino brings the reader into his universe from the first line of this 1979 classic and maintains a breakneck momentum through to the end. It is (or was) deeply unconventional (deconstructionist); the way he weaves in the writing opposites of fantasy and reality is, in my view, without compare. If on a winter's *night* is a tribute to the love of books and the countless ways a reader can explore fiction. My dog-eared copy is never far awav.



Ex Libris





OUT OF AFRICA

ISAK DINESON
Karen Blixen writes—
under a pen name—of
her life in Kenya from
1913 to the 1930s, an
expatriate existence at a
time of colonial rule. The
east African landscape is
beautifully depicted and
her writing is filled with a
sympathetic understanding
of the difficulties people
faced in this period of
Kenya's history.

EX LIBRIS

ANNE FADIMAN
These essays on the love of books, published in 1998, read afresh each time.
Her reading behaviours are embarrassingly relatable—including reading cereal boxes over breakfast to pass the time as a child. Her tale of the stressful merging of book collections as a result of marriage is a personal favourite.

A ROOM OF ONE'S OWN

VIRGINIA WOOLF
I have had this book on
my shelf for over twenty
years. Woolf's account
of the parameters within
which women need to
work in order to thrive
is, now, a familiar
theme. She originally
put her case in a lecture
at Cambridge in 1928;
her words are still more
relevant today.

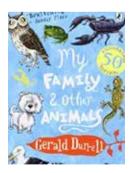
UNDER THE TUSCAN SUN

FRANCES MAYES
I came across this book twenty years ago, not long after its publication. The descriptions of the Italian countryside, melded with a yearning for a life of simplicity and depth, still resonate. I find myself picking up the book in search of random paragraphs whenever my horizon shifts.



ISTANBUL OBLIAN BAMUK

ORHAN PAMUK
Pamuk's descriptions of
Istanbul as it changes
over the passage of time
lend a particular tonality
to this memoir—a
homage to the past,
to the Bosphorus, to
an extraordinary and
melancholy place. It is
beautifully written.



MY FAMILY AND OTHER ANIMALS

GERALD DURRELL
Corfu in the 1930s,
seen through a child's
perspective, is idyllic,
filled with sun-drenched
days and a dramatic
landscape—not to
mention the animals!
The family's tenacity
for life is uplifting.



SERVE IT FORTH

M. F. K. FISHER
This food writer has
a cult following—she
has an engaging,
idiosyncratic style. This
debut collection of essays
came out in 1937. The
one on Catherine de
Medici's contribution to
French culinary history is
my favourite.



THE LAST BATTLE

CS LEWIS
Deception and doubt creep
in, dragging with them their
mistruths. But in this, the
last in the Narnia series,
treachery is eclipsed by
loyalty. I have had this
classic children's book
for forty years. Its theme,
of hope in humanity, still
inspires.

The poet

As when, upon a trancèd summer-night,
Those green-robed senators of mighty woods,
Tall oaks, branch-charmèd by the earnest stars,
Dream, and so dream all night without a stir,
Save from one gradual solitary gust
Which comes upon the silence, and dies off,

Hyperion. A Fragment

IOHN KEATS

Keats never finished Hyperion, conceived as an epic poem about the overthrow of the Titan gods in Greek mythology by a new, superior, generation of deities, the Olympians, He began writing it towards the end of 1818, whilst nursing his youngest brother Tom, who was terminally ill with tuberculosis. Tom died in December 1818. Little more than two years later, Keats himself succumbed to the same disease, aged only twenty-five.

Hyperion begins in the aftermath of the battle between the Titans and Olympians. It is composed in unrhyming iambic pentameter, a metre common in traditional English poetry and considered one of the poetic rhythms closest to English speech patterns. Each line consists of ten

syllables, with one short (or unstressed) syllable followed by one long (or stressed) syllable. It was a metre favoured by William Shakespeare, and also the seventeenth-century poet John Milton, whose epic Paradise Lost described the biblical story of the expulsion of Adam and Eve from the Garden of Eden. Keats clearly drew upon Milton's earlier work for Hyperion, not just for metre but also for style and syntax.

The lines above are taken from Book I, as the Titans lie, dazed in their defeat, in a shadowy valley. It is difficult not to see, in those last mournful words, Keats' own pain and helplessness at his brother's suffering. Keats had trained as a physician and must have known all too acutely what Tom's symptoms foretold.

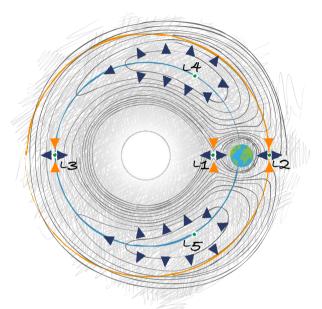
It is as though human life, frail and transitory as a dream, is carried off in those sibilant lines on a gust of wind.

They also recall Keats' theory of negative capability, a phrase he used once in a letter, which has intrigued scholars ever since. "Negative Capability" he wrote, "is when a man is capable of being in uncertainties, Mysteries, doubts, without any irritable reaching after fact and reason". Essential to artistic accomplishment, according to Keats, is a willingness to remain open to doubt and uncertainty, to sensation, rather than logic and science. This extract is pure sensation, pure feeling; as spellbinding in its beauty as the 'trancèd summer-night' it describes.

Alexandra Howe, New York

Real science

Lagrange points are positions in space where the gravitational forces of a system of two massive bodies—such as the Sun and Earth—allow a small object to maintain its position relative to them. Space agencies use Lagrange points as locations for scientific equipment.



CELESTIAL MECHANICS

Three of the five Lagrange points (L1, L2 and L3) lie along the line connecting the two large masses; and two of them (L4 and L5) form the apex of two equilateral triangles which have the large masses at their vertices. Let's apply this to a system in which the two large masses are the Sun (our sun) and Farth.

L1 lies between Earth and the Sun. L2 lies on the opposite side of Earth, away from the Sun. Both are about 1.5 million kilometres from Earth. L3 lies on the opposite side of the Sun (roughly the same distance from the Sun as Earth). L1, L2 and L3 are not fully stable and are not inhabited by natural objects. (Energy expenditure is required for an object to stay there.)

L4 lies at the corner of an equilateral triangle formed by the Sun-Earth-Lagrange point. As does L5. L4 leads and L5 trails Earth as our planet orbits the Sun. L4 and L5 are stable and often serve as parking spaces for small natural objects in two-body systems across our solar system. These natural objects are called Trojans.

Earth, Mars, Jupiter, Saturn, Uranus and Neptune each form a two-body system with the Sun and all have Trojans. Earth has only one (located at L4 with a diameter of about 300 metres); but Jupiter has, we think, about one million Trojans, each with a diameter of over one kilometre, at both L4 ('the Greek camp') and L5 ('the Trojan camp').

Saturn has two Trojan moon systems: Saturn and its moon Tethys constitute the two large masses, and two small moons—Telesto and Calypso—lie at L4 and L5.

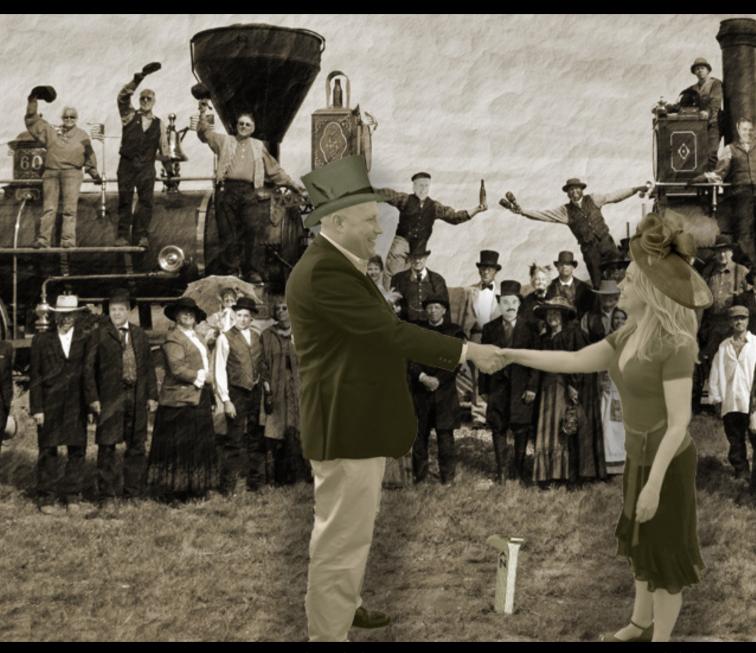
The Earth–Moon system is believed to have large collections of dust at its L4 and L5 points.

L1 in the Sun–Earth system is a convenient location for scientific missions studying the Sun—such as the Solar & Heliospheric Observatory, a joint project of the European Space Agency and NASA.

L2 in the Sun-Earth system is the current location of ESA's Gaia mission and the planned location of NASA's James Webb Space Telescope

L2 in the Earth–Moon system is orbited by the Queqiao relay satellite; this will enable communication between Earth and China's Chang'e-4 lunar exploration mission studying the far side of the Moon.

Maciej Boniuk, Warsaw



Matthew Kirtland, Partner-in-charge, DC East

Marissa Leigh Alcala, Partner-in-charge, DC West

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First person

Gerry Pecht Houston

I'm 65. I made my bones being a litigator and have done that for thirty-eight years.

Everything has turned out well.

My wife is an extraordinarily generous person. She's got the biggest heart of anybody you can imagine.

I have two boys. Neither of them has gone into the law. Thankfully, they're both still in Houston.

Like everybody else, I am searching for the blessings of intelligence, truth, peace.

I was born in Wisconsin but don't remember it. I was only there for a few months.

I grew up in the traditional German family in the sense that there was a lot of discipline and everything had to be perfect.

We lived just outside of New York while my dad worked on the lower deck of the George Washington bridge.

Then he was asked to design the runways at Dulles airport at Washington D.C. So we moved to northern Virginia.

Then he was asked to work on another iconic bridge. So we moved back to New York.

Then the World Bank asked him to go to what used to be East Pakistan and is now Bangladesh. So we went out there thinking it would be for six months.

That was in 1963. I was in the fifth grade, so I was eleven maybe twelve years old. Anyhow, we ended up living in Asia for thirty-two years.

I know a smattering of a lot of different languages—a little Farsi, a little Bengali, a little Tagalog, a little Italian.

We were in East Pakistan and then we were in the Philippines, Iran, Indonesia. The chorus of my life at that time was moving around.

I went to boarding school in Rome when I was fourteen.

I got on a plane in Dhaka, East Pakistan and flew by myself to Rome, Italy. I had enormous freedom and independence and I loved it.

There were five of us, five kids. Everybody got to pick where they wanted to go. I thought about London. Or Switzerland. But ultimately I fell in love with Rome.

My mother is half German and half Polish. She was the second of seventeen children and she grew up in Wisconsin. When she graduated from high school her teacher said, 'This is too small a town for you, you've got more ability than this, you need to go to Chicago.'



US Treasury Department. She went on her own. She was only eighteen.

My father was a hundred percent German. He was an engineer in World War Two. So while General Patton was driving across Europe my dad was throwing up bridges to allow the army to cross the rivers on their way to Berlin.

He was on a ship returning to the United States and just as they were about to hit the Statue of Liberty the ship was diverted south to the Panama Canal. So he spent the next several years in south-east Asia fighting in the Pacific theatre.

My father would never talk about the war. He was a captain in the army and I am sure he saw a lot of things and he would not discuss it with any of us. We asked him all the time and he really didn't want to get into it.

I was seventeen when I started college in Washington D.C. It was the late sixties early seventies so it was the Vietnam War, it was protests, it was the hippie movement.

Some of my siblings never did return to the United States. My sister never came back. She stayed overseas for the rest of her life. She met a fellow (who turned out to be in the CIA) and they lived in India and Saudi Arabia. She divorced the CIA guy after a few years and lived in Rabat, Morocco, where she married a Dutch

guy. She was in Caracas, Venezuela for a while. And Sri Lanka in between times. Now she's living in a beautiful town in Holland.

My mother met my dad in Chicago. He was a handsome guy who'd just come back from World War Two and he thought a lot of himself. She would have nothing to do with him.

Gradually he won her over.

She grew up on a farm in northern Wisconsin and it's in the middle of nowhere and then she goes to Chicago and marries this guy and he says, let's go to Asia!

You could react in one of two ways. I saw this with Americans when I was living in Asia. Some of them (not all) would just hate it. They would go there and they would say, this place is dirty, the people are poor, I don't understand the language, I don't understand the culture. But my mother—and my father and all of us—we embraced it.

My mother travelled extensively. She became a great lover of China and of India.

I was a drummer in a band for a number of years in India. And I played the sitar. There is a beauty and a smell and an image about India that stays with you your whole life. You go to somebody's home and there's a flood of memories.

America is a complicated diverse varied wonderful place that has a lot of very different viewpoints about things and people can be outspoken about their views.

People who migrated to the United States from Asia or Africa or Europe would come here and think of it as the land of opportunity, but you had to seize the opportunity—you had to have the education to seize it—so they were devoted to education.

Parents sacrificed enormously for their children to have the best education they could possibly have.

To the point where the parents wouldn't do anything for themselves, it was all about their children.

That's still the case today. One of my brothers—his wife is Chinese; and his kids are just driven to be successful. Education is a very important part of their lives.

The parents of people of my generation came through the Great Depression. When I was growing up, my father always said: 'The one thing I want to make sure of is that you are better than I am, that you're more educated than I am, that you're more successful than I am.'

Many people now aren't necessarily going to be better off than their parents. In fact, they're going to be worse off.

When they look at their own children they feel it's going to get worse, not better.

I don't see it as a uniquely U.S. phenomenon: I see it as a world phenomenon. The divide between the rich and the poor, the educated and the uneducated, has become greater.

Anybody can be a success in Texas. It's just the way the Texans are.

People feel left out.

Disenfranchised.

Anybody can be a success in Texas. It's just the way the Texans are.

They don't care if you come from a very wealthy family or a very privileged family, that's not what interests them about people. They are more interested in who *you* are and how smart you are and how capable you are and whether you have the energy to be a success.

I thought about staying on the east coast. I had job offers in both New York and D.C. I decided on Texas.

The weather in Houston is a lot like the weather in Bangladesh. It's the same torrential rains, the same humidity, the same heat.

I live two lives in Texas. I live in the city and I have a ranch out in the country. I have very close friends in both locations and they are very different.

In the country it's all about the local community, it's about your neighbors, your local church, about helping each other. It's very community oriented. They're not spending a lot of time worrying about what's happening in the Middle East, they're worried about what's happening down the street. That's how they focus their lives. They're very warm people, and generous.

I've got seven horses at the ranch.

A Lusitano stallion, a Friesian stallion, a Thoroughbred that used to be a racehorse, a Paint, two Quarter horses—and a new filly. She's half Lusitano and half Quarter horse, and her name—Colibri—means hummingbird in Spanish. She's three months old.

My wife loves all living things. She's a vegan. She's an animal rights activist. I've got fifty-two animals at the ranch: many of them are rescues.

She grew up in southern Mississippi. She went to law school in Oxford, Mississippi.

Oxford, Mississippi, I would say, is the heart of the Deep South. The prejudices that continued to linger on in the South were there when she was young.

That's part of the reason why she left.

She likes to give her time and attention to individuals in need of some one-on-one help. We had a ranch hand who died, and his daughter is fifteen, so my wife spends a lot of time with her. That's just one instance.

I wanted to sail, so I read a bunch of sailing books (and a book about anchoring) and then I bought a sailboat and then I figured I could figure it out myself, and I did.

The garden is one of the great metaphors of life, right?

I do this quite a bit. I will have a passion for something and then I will buy a lot of books about it, and then I'll read up.

I have read quite a bit about North Korea. A lot of literature from India. A lot about Naples. A large number of Australians. I'm reading a Chinese crime writer just now.

I read all these garden books. I looked at fifty types of garden in a great garden museum in Holland. Then I thought about what I wanted from a garden.

The garden is one of the great metaphors of life, right? Life and beauty and pain and lack of permanence.

So I designed and constructed my own garden.

I had to bring in bulldozers and excavators and all kind of things.

Then I thought, well, I want to do the next garden differently.

So I made three gardens. And each one is different.

All of these things have repercussions. Once I had the gardens, I had to get into the bee business. Now I have to get more bees.

I have a house in Mexico now. I like the culture of that part of Mexico. The streets are cobblestone and the houses are old—Spanish colonial.

I'm a person who needs projects in my life.

I get up at four thirty in the morning. You can accomplish a lot in life if you add to the time that's available.

Three days a week I have a guy come to my house who's a former football player with the Jets. I hang out with him for an hour working out.

I don't see 'intellectual' as something I want to be.

I'm interested in understanding people and what motivates them.

It's good to be smart, it's good to be serious, it's good to have a fine mind. At the end of the day it's not going to be your greatest attribute. Having compassion is probably much more important.

'For the sake of the rose the thorns get watered.' I love that saying.

Gerry Pecht, Houston Litigator (securities litigation and enforcement, internal investigations, commercial

litigation)

compliance

Joined Fulbright & Jaworski (now Norton Rose Fulbright) in 1980 Served on US MCom, global ExCom, and as global head of litigation and disputes, and head of US regulation, investigations, securities and

Interview by Ingeborg Alexander Illustration by Ivan Maslarov

RE

A MAGAZINE OPEN TO NEW PERSPECTIVES

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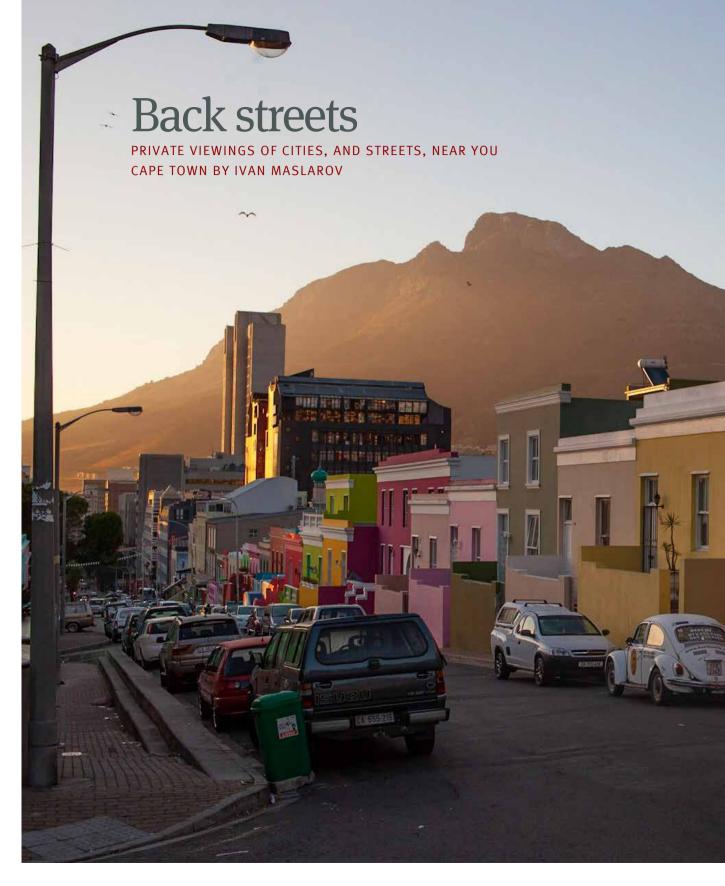
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