



LORD CHIEF JUSTICE
OF ENGLAND AND WALES

THE RIGHT HONOURABLE THE LORD CHIEF JUSTICE
LORD MAYOR'S BANQUET
11 JULY 2012

My Lord Mayor – Ladies and Gentlemen

You have been very generous, and Her Majesty's Judges are immensely grateful to you and the Lady Mayoress and the City, grateful both for your thoughtful words, and the wine and the conversation. I wish I had thought of that for myself but someone else did first.

In this the year of celebration for Her Majesty's Diamond Jubilee, this has also been a remarkable and triumphant year of office for you and the Lady Mayoress. Together you have done the City and your ancient office proud. As well as thanking you for your hospitality tonight, may I on behalf of all my judicial colleagues assembled here offer our warmest congratulations to you both.

For me this story of the year has been less rosy. Last year you may remember me telling you about the pretty girl who, on my 70th birthday, thought it was a 00 birthday. Well that message was recently rubbed in. This year our daughter Emma returned after many years of living in a hut on the shores of Lake Malawi and she needed a mortgage. It was refused on the basis that she had not been resident in this country for 2 years. So I offered to guarantee it.

The application form would have done credit to the Judicial Appointment Commission.

Job description: Lord Chief Justice of England and Wales

Date of Birth: 19 May 1941

Salary – Well you all know it. So I put it down.

And then, perhaps a little optimistically, I added the simple word:
"PENSIONABLE"

(Lord Chancellor, I do so hope that that remains true)

Well pensionable or not, I was turned down – too old. Too old to help our daughter obtain a mortgage. Another deep blow to my self esteem. And this time Judith could do nothing for me.

Indeed it was made much worse when, a few days later, Judith came home and told me that a truly tidy sum had been lent by the same organisation that turned me down to the 19 year old, part time apprentice hairdresser who had done her hair.

"For a house?" I asked

"No, for a boob job"

I then asked the sort of intelligent question any judge with a command of basic English might ask:

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“What has she boobed about?”

Now that is all very well for you to laugh. In my dictionary a boob is a mistake.

Hang on for just a moment

Oh dear, oh dear.....

I do not think Judge John Deed would have misunderstood.

You may not know him my Lord Mayor. He is one of our distinguished specialist judges, and to his credit particularly supportive of the female advocates appearing in front of him, but perhaps less so as they nearly all seem to be former wives or current mistresses.

A little surprisingly he does not sit in the Rolls Building.

Anyway he would not have made the mistake I have made, and I apologise for the use of a 4 letter word in the Mansion House.

Indeed in the Egyptian Hall, whose magnificence, like Cleopatra, (asp or no asp,) age cannot wither nor custom stale.

My Lord Mayor, you were generous to quote from my recent lecture about the Magna Carta, the Great Charter which, in the words of the leading expert on it explains, “Set light to passions and ideas which burned immediately, fiercely and permanently”. You did not however mention that on 9 May 1215 King John granted the Charter Right to the City to elect its own Mayor. The King, surprisingly, sought nothing, and the City offered him nothing. He was hoping for support from the City as the negotiations which had been hammered out a few weeks earlier in the Temple Church were coming to their culmination. The City’s role may be worth another lecture, but just for the moment the indictment alleges that the Lord Mayor was guilty of treason for opening the gates and welcoming in not merely the rebellious barons, but seven thousand French troops.

The Charter was witnessed at the Temple.

As far as I am aware this was the first link between the City and the home church of the Common Law. From then onwards royal approval for each new Mayor was required, but if the Monarch was not present, the approval had to be sought from the King’s Justice. The custom changed in the middle of the reign of Queen Victoria, and ever since the formal fulfilment of the Charter obligation of approval, whether the Monarch is present or absent, takes place every November when a new Lord Mayor elect is presented before the Lord Chief Justice and his colleagues before taking his oath of office. It is a happy occasion, unless the Master of the Rolls decides to quote Milton instead of Shakespeare. Normally it is anyway, but your successor may find himself in the dock to plead to the indictment.

The relationship between the office of Lord Mayor and the judiciary, although virtually 8 hundred years old, continues to be warm and amicable. As you say, My Lord Mayor, the tradition symbolises the values we all cherish, not least the Rule of Law itself, coming from deep within the roots of our nation. You have addressed the issue in a way in which every judge here will clearly understand. I shall add just a few words.

Like you, I want to speak about the Rule of Law, certainly not rule by lawyers. (Jack Cade) My entire thesis, and the impelling force which inspires our independent judiciary is, adapting some words from John Locke

“Where the Rule of Law ends, tyranny begins”.

Tyranny can of course be rule by one man and his henchmen, but it can also be the rule of the mob, and it may be another manifestation of tyranny which seeks to deprive one man or woman of the equal protection of the law.

In responding to what you have said my Lord Mayor I do not want to be misunderstood. I am not sounding a clarion call against any imminent threat to the rule of law. What I am, however, saying is that even in a country with the values with which we are blessed, it is unwise to take them for granted or to assume that we can be sure that in years to come that some new force may not emerge to undermine them; it may be insidious, maybe almost imperceptible. Indeed if insidious and almost imperceptible it is probably more dangerous. So in this context the “may be” is enough. The future, after all, is long as well as short and the world is changing fast.

For example let us just think for a moment about the changes in the world of communications. Twitter was not invented until 2006. Today it will have been used literally millions, hundreds of millions of times. I am sure that none of you is looking at Blackberry – I hope not – but news is instantaneous. Pause to consider what lies ahead. 20 years, 10 years, even 5 years from now. We cannot imagine it. No doubt it will in some respects be immensely valuable, but is it likely that it will be less rather than more intrusive, or provide the authorities with less rather than more private information about us? What’s to come is indeed still unsure. We must remain vigilant.

For the independent judiciary to function as it functions in this country, Her Majesty’s Judges must be men and women of independent mind. Independent thought, and independent spirit, passionately independent. They are and their commitment to the Rule of Law is absolute. Thank you, My Lord Mayor, for highlighting it. And thank you for this lovely evening.

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