



Reflections for My Student-Aged Self

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Baroness Hale of Richmond

Ecclesiasticus 44: 1-15 Matthew 7: 1-12

It is wonderful to be back in this beautiful chapel. But I cannot help remembering the last time that I was here: the memorial for Tony Weir. It was the saddest of sad occasions.

Tony was the most inspirational of all the inspirational scholars who taught me while I was an undergraduate Law student here from 1963 to 1966. He was a young man when he taught us, only recently come to Cambridge. He was full of ideas: he had a pithy and original take on conventional subjects. He was a conscientious teacher: he set us essays for every supervision and he marked them carefully. Not many people did that then. He also looked after us: perhaps all his geese were swans. He wrote me far too flattering a reference when I left Cambridge to go and teach law at the University of Manchester. And as a University teacher myself for 18 years, I tried to teach as much like he did as I possibly could.

So that is one reflection for my student-aged self: recognize, appreciate and learn from the greatness there is around you. Enjoy it while you can. It may not come your way again so make the most of it.

But wonderful scholar and teacher though Tony was, he was also a very troubled soul. And eventually he died in the most tragic circumstances imaginable. I do not know why that was. He showed no hint of that hidden darkness when we were his students in the 1960s.

So that is a second reflection for my student-aged self: it is not all about you. You may be finding life difficult from time to time. There is a lot to be anxious about when you are a student in a place like Cambridge. But others may be finding life difficult too. Even the senior members. Think a bit about the people around you and wonder about them. There may be things you can do to help.

A little insight came when I was told that Tony had asked another Girtonian student, two years below mine, to go to a May Ball with him. I remember our Director of Studies, the formidable Poppy Jolowicz, remarking that the student shouldn't get any ideas. It was not going to go anywhere. What Poppy meant, of course, without saying so, was that Tony was gay. Think about it. Intimacy between homosexual men was illegal until 1967 – the year after I graduated. We were all brought up on the debate between Herbert Hart and Patrick Devlin about whether the law should play any part in policing moral values: Devlin thought that it should and Hart thought that it should not. Only recently have we learnt that Patrick Devlin was not the moral family man that he purported to be.

So that is a third reflection for my student aged self: how profoundly our views about sexuality and sexual morality have changed since then. We rightly condemn child abuse but we no longer condemn same sex relationships. After decriminalisation in 1967, there was still a time when gay relationships were not treated in the same way as opposite sex ones. There was the famous or infamous section 28, forbidding local authorities to promote same sex relationships as ‘a pretended family relationship’. Rather a strange way of putting it. But it had a profoundly chilling effect upon teachers counselling troubled teenagers. It is amazing how quickly things have changed – from gay couples being able to adopt in 2002, to civil partnerships in 2004, to outlawing discrimination in the provision of employment, education, accommodation, goods, facilities and services in 2006, to civil marriage in 2013. There are still debates to be had – should Deuteronomy rule the Church’s view when Jesus had nothing to say about it? Or should we ask ourselves what Jesus would have said? I know where I stand on that, just as I know where I stand on sweeping child sexual abuse and exploitation under the carpet.

That was for the future. When I was an undergraduate here in the 1960s, heterosexual marriage was still the norm. We were taught that the ancient common law discrimination against married women had been abolished. Husband and wife were no longer one person in law and that person was the husband. Wives were now co-equal heads of the household. Our supervisor in Family Law even advised his supervision group of three women students that we ought to forget our Family Law after we graduated. Knowing our rights might get in the way of our becoming the good wives and mothers that we were meant to be. But this was all nonsense, as I soon learned when I started teaching Family Law myself. Men were still the breadwinners and women were still the homemakers. Homemakers had very few rights during the marriage let alone after it ended. It was still lawful for a husband to rape his wife. It was not lawful for him to beat her up, but her ways of escaping him were very limited. A married woman had no rights or authority over her children until her husband died or a court order gave her some.

So here is a fourth reflection for my student-aged self: don’t believe everything that your teachers tell you, at least if it is a value judgment rather than a fact. You have to learn to think for yourself and be on the lookout for injustice wherever it may be found. Your teachers may take things for granted which you should not.

We did not have to wait as long for marriage law to be reformed. The legal rights of married women were transformed in the 1970s. But just as things were improving for married women, the fashion for marriage was fading fast. Fewer and fewer couples were getting married and more and more children were being born outside marriage. Discrimination against the children of unmarried parents has mostly been abolished. But discrimination against their parents – and particularly the unmarried women who bring them up – has not been abolished. Arguing that they too should have rights can get one labelled a ‘legal commissar subverting family values’ in a certain popular daily paper.

And with that comes with a fifth reflection for my student-aged self: should we beware what we wish for? Greater equality for married women made marriage a less attractive option for men. So was that one of the reasons for the decline in the popularity of marriage? But how could that possibly be a reason for perpetuating the lowly status of married women?

Of course, when I was a student here discrimination against women was commonplace. All the colleges were single sex but there were only three colleges for women and 21 colleges for men. I’m not sure that we recognised the injustice of it then. Most of us were just thrilled to be here. We realised how fortunate we were and got on with making the most of it – after all, there is a lot of fun to be had when there are nine male undergraduates for every one female.

It was only when I got out into the big wide world that the penny began to drop – women could be excluded from public bars where their male colleagues had lunch; women could be paid less than men for doing exactly the same job; women could be denied mortgages without a male guarantor; and so on and so on. Then along came the Equal Pay Act 1970 and the Sex Discrimination Act 1975. Blatant acts of discrimination such as those had to stop, although things were still far from perfect. Nearly 50 years on, only a third of the senior judiciary are women.

But there is a sixth reflection for my student-aged self: once an injustice is recognised, things can get better. Not all at once and not all in a straight line. But better they can and will get. And you can do your bit to try and make things better.

After Cambridge I went off to teach law at Manchester University. I chose Manchester because they wanted me to qualify and practise as a barrister alongside my teaching. So I had the best of both worlds for a while. Eventually I had to choose and I chose the University. It never occurred to me that I might become any sort of judge. But the things that I did as an academic brought me public appointments – as a judge on Mental Health Review Tribunals, as a member of the Council on Tribunals, as a part-time judge in county and crown courts, as a Law Commissioner – all of which eventually led to my becoming a High Court Judge, then a Court of Appeal Judge and eventually a judge in the highest court in the land. None of this could I or anyone else have foreseen while I was a student here. I might be doing very well in my legal studies, but I was only a little girl from a little state school in North Yorkshire with no family background in the law and no influential connections.

So that is a seventh reflection for my student-aged self: who knows where life will take you? Anything may happen. You can even make some of it happen.

And that leads on to an eighth reflection: you must seize whatever opportunities that come your way, no matter how scary they may seem, no matter how unsure you are of yourself, and – if you come from an under-represented group – no matter whether you suspect that there may have been some positive discrimination in your favour. It is your duty to step up to the plate and try and prove to those who gave you that opportunity that they were right to do so. But if it doesn't work out you can always console yourself that it was their fault, not yours.

That's a lot of reflections for my student-aged self. And you will have guessed from the readings which I chose for today's service that there are two other lessons I have learned through my long life in the law (thus bringing the total to ten).

One is that there are many unsung heroes who do a great deal of good in the world without getting the recognition they deserve – I think of the doctors, the nurses, the social workers, the foster parents whom I saw in my work in the Family Division, the legal advice centre workers and pro bono lawyers who try so hard to bring access to justice to those who need it; the tribunal judges who wrestle daily with the complexities and injustices of the benefits system.

The other lesson is that when I sat in judgment I too was being judged. As the prophet Micah said, 'what doth the Lord require of thee but to do justly, and to love mercy, and to walk humbly with thy God'.