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A Conversation with Baroness Hale

Introduction

The following text is based on a conversation between Professor Rosemary Hunter and Baroness Hale of Richmond on 12 September 2007, which formed one of the plenary sessions at the Society of Legal Scholars 2007 Annual Conference. The Society of Legal Scholars (formerly known as the Society of Public Teachers of Law) is the learned society for those who teach law in universities and similar institutions, or who are otherwise engaged in legal scholarship, in the UK and Ireland. Annual Conferences are the venue for meetings of the Society's various subject sections, together with a small number of plenary sessions. In 2007, Baroness Hale's jurisprudence formed one of the themes of the Annual Conference, and several subject sections organised sessions in which the papers focused on discussions of her judgments in the relevant area. The plenary session was designed to complement the Hale jurisprudence theme, but also to depart from the more familiar format of one or two speakers delivering papers. Following the conversation, subject section convenors or session chairs were invited to give summaries of the discussions of Hale jurisprudence in their sections, and there was also an opportunity for members of the audience to ask questions of Baroness Hale.

The conversation was not recorded, and hence the following is not a verbatim transcript. Rather, we have reconstructed the text of the conversation from our respective notes and recollections. The questions were prepared by Rosemary Hunter and provided

to Baroness Hale prior to the plenary session, giving her the opportunity to consider her responses in advance. However, since no record was kept of the subsequent discussion and question period, we have not attempted to reproduce it here.

Conversation

RH: Although Baroness Hale really does need no introduction, I'll begin by repeating some of the well-known details of her career. She was born in Yorkshire and educated at Richmond High School for Girls and Girton College Cambridge, where she graduated with a starred first and top of her class. She was initially appointed as an Assistant Lecturer in Law at the University of Manchester in 1966, and taught there for 18 years, becoming a professor in 1986. She ultimately specialised in social welfare and family law, and was a founding editor of the *Journal of Social Welfare Law*. For a short time after her call to the Bar in 1969, she combined academia with part-time practice as a barrister. Much later, in 1992, she was asked to train as an assistant recorder. She was promoted to Recorder in 1989, the same year in which she was made a Q.C. under the category 'employed barrister'.

In 1984 she was the first woman and the youngest person ever to be appointed to the Law Commission, where she led a team working on family law reform. In 1990 she became a founding member of the Human Fertilisation and Embryology Authority, and chaired its Code of Practice Committee. In 1994 she was appointed to the Family Division of the High Court, and in 1999 she was the second woman to be appointed to the Court of Appeal and with it to the Privy

Council. In 2004, she became the first woman and the first mother to be appointed a Lord of Appeal in Ordinary. She is also now the Chancellor of the University of Bristol and Visitor of Girton College Cambridge, so maintaining her connections with academia.

This session today was conceived as being something like the kind of conversations that are held at literary festivals, where someone interviews a famous author about their work. And in a sense, Baroness Hale, you are a famous author; it's just that your writing consists of judgments, and academic books and articles. I'm assuming that members of the audience will have questions about your judgments, so what I'm intending to do is to focus on your publications, and then move on to some general questions about your career as a writer in various capacities.

So I want to begin with Atkins and Hoggett, *Women and the law*, which was published in 1984 (Atkins and Hoggett 1984). It was one of the very first books of its kind, and I remember as a law student in Australia in the late 1980s finding and devouring that book. So tell us the story of *Women and the law*. How did it come about, how did you go about writing it, and what was its reception?

BH: We were first asked to do it in the early 1970s, by William Twining, as part of the 'Law in Context' series. He was looking for something along the same lines as Lester and Bindman's ground-breaking work on *Race and law* (Lester and Bindman 1972). The original plan was a collaboration with a Manchester colleague: I would concentrate on families and children and she would concentrate on employment and public life. But for one reason and another that

did not happen and eventually Susan Atkins from Southampton took over that part of the book. She knew a great deal more about the feminist writing than I did, so I learned a lot. When I first started I tended to believe what I'd been told at Cambridge – that the law had been unfair to women in the past but that now women enjoyed pretty much complete equality. Formally that might have been true by the early 1970s. In reality, of course, it was not. I was also deeply influenced by Professor Herma Hill Kay from Berkeley, who was a Simon Visiting Professor in Manchester in the mid-seventies (she wrote the classic American text on Sex Discrimination with Ruth Bader Ginsburg) (Davidson et al. 1974). So by the end of the 1970s I was at last ready to write the book.

RH: And the book's reception?

BH: I didn't know much about the academic reception because I'd just gone to the Law Commission when it came out. But we were delighted to be short-listed for the Fawcett Prize (they alternate each year between fiction and non-fiction), though disappointed when the judges described it as "solid". Much later, other people have told me how important it was to them then. I was thrilled to hear that you had read it in Australia.

RH: Before and after *Women and the law* you've published numerous other books and articles from your academic work, and more recently many of your lectures, speeches and conference papers have subsequently been published as journal articles. These various publications have fallen into three broad areas: family law, mental health law, and women in the judiciary. And obviously there are connections between those areas; there's a concern for issues of equality and

human rights that runs through your work. But I want to spend a bit of time talking about each of the three areas, beginning with family law.

You first published *Parents and children: The law of parental responsibility* in 1977 (Hoggett 1977), with subsequent editions in 1981, 1987 and 1993. Your textbook *Family, law and society: Cases and materials* was first published in 1983 (Hoggett and Pearl 1983), and has gone through several subsequent editions and is still going.

BH: Yes, there's a new edition forthcoming shortly – now mainly in the capable hands of Lizzie Cooke from Reading.

RH: At the Law Commission, you led the work that produced the Children Act 1989 and the Family Law Act 1996; and you've also published a number of articles on various aspects of family law.

I want to focus on one of those articles, *The view from court 45*, which was published in the *Child and Family Law Quarterly* in 1999 (Hale 1999). In that article you expressed concerns from the perspective of a trial judge about the operation of the law in the kinds of cases you dealt with most frequently – child abduction, complex or intractable contact disputes, and child abuse cases. You observed that the law in those areas tended to be oppressive to women in their role as the primary carers of children, often in the context of domestic violence. Do you still have those concerns, or do you think the situation has improved for women since then?

BH: The perception I was discussing arose from the fact that women were always the defendants and in some areas the law was very tough.

In child abduction cases, the Hague Convention was designed to deal with the problem of non-custodial fathers abducting children from their mothers; it hadn't caught up with the more common situation where mothers were fleeing with their children, especially where there was domestic violence; that's still a problem. It tends to be assumed that the "home" country can protect her and the children properly but that may very well not be so.

In relation to contact disputes, the law has improved. I played a small part in the developing recognition that violence towards the mother could also be harmful to the children, which didn't seem to have been thought of before, and eventually leading to the landmark Court of Appeal decision in *Re L*.¹

RH: And child abuse?

BH: I think that's pretty much the same as it was. The problem is that the children have to be protected, even though the mother's failure to protect them may be the result of her own – entirely justified – fear of her partner.

RH: OK, now moving on to property division in family law cases, in a recent article in *Australian Family Lawyer* (Hale 2007), which was based on a plenary address you gave to a National Family Law Conference in Perth, you repeated a point that you made in the Court of Appeal in *SRJ v DWJ*² in 1999, and I have a fairly lengthy quotation here. You said:

¹ *Re L (Contact: Domestic Violence); Re V (Contact: Domestic Violence); Re M (Contact: Domestic Violence); Re H (Contact: Domestic Violence)* [2000] 2 FLR 334. The "first intimation of change", according to Kaganas and Day Selater (2000), was the judgment of Hale J in *Re D (Contact: Reasons for Refusal)* [1997] 2 FLR 48.

² *SRJ v DWJ* [1999] 2 FLR 176.

It is...in the community's interests that parents, whether mothers or fathers, and spouses, whether wives or husbands, should have a real choice between concentrating on breadwinning and concentrating on homemaking and childrearing, and do not feel forced, for fear of what might happen should their marriage break down much later in life, to abandon looking after the home and the family to other people for the sake of maintaining a career. (Hale 1999, 11)

That might be seen as a surprising position. I don't think many feminists would sign on to a pure homemaking option or a straight choice between breadwinning and homemaking; and as we're aware, government policy also promotes the benefits of women working, even to some degree. I can see the point that women (or men) shouldn't be economically penalised if the marriage breaks down because they did take on a homemaking and childrearing role, but do you support such a division of labour in families as a general proposition?

BH: I'm glad you asked me that question!

I would emphasise three words or phrases in that quotation. First: "parents, whether mothers or fathers, and spouses, whether wives or husbands". So it's intended to be gender neutral.

Second: "a real choice". It is not for me, or anyone else, to prescribe how people should arrange their lives but it is important that they should have real

options and not suffer too much for the choices they make for the good of others as well as themselves.

Thirdly: “*concentrating* on homemaking and childrearing”. That doesn’t necessarily mean that it’s the only thing they do for the whole of their lives.

But the reality is that society looks to the family to shoulder the main burden of looking after, not only the young, but also the elderly and the infirm. We need that work to be done. I am concerned that that work should get its proper recognition and reward, first from the family for whose benefit it is done, and also from the society which also benefits.

RH: I know that you said “mothers or fathers” and “wives or husbands”, but in practice, historically, it’s been a gendered division of labour, with women performing the homemaking and childrearing and men performing the breadwinning, so we’re talking about a social context which is not gender neutral.

BH: Quite so, but in my ideal world caring responsibilities would be much more equally shared between the sexes than research tells us they are at present, although things are changing. There is a widespread recognition of how vulnerable women who undertake the caring role can be and a great deal more sharing than there used to be.

RH: Have you seen any changes in the cases that have come before you? Are you seeing more of a mixture of roles, or do they still remain fairly traditional?

BH: It’s a mixed picture. While women are undoubtedly doing far more work outside the home, it’s less obvious that men are doing far more work inside it. Mrs White

worked hard as a farmer as well as having children.³ Mrs Miller didn't work outside the home after she married.⁴ Mind you, she didn't do much of the housework either... [laughter] And neither should she! She made other kinds of contributions.

RH: In a review of the book of your Hamlyn Lectures, *From the test tube to the coffin: Choice and regulation in private life*, published in 1996 (Hale 1996), Andrew Bainham remarked that "Brenda Hale has done as much as anyone, and more than most, to bring about the changes that have made the law much more child-centred" (Bainham 1997, 431-32). In your view, how far have we come with children's rights, and how much further do we have to go?

BH: It's interesting that Andrew should say that... I did play a part in the Children Act 1989, which not only emphasised that the children's welfare is paramount, but also required that their wishes and feelings be taken into account by courts and other decision-makers. But we still have a way to go in actually listening to what children have to say and including them in the process. How we should do this is a hot topic among family lawyers at the moment. I was concerned, for example, in the *Williamson* case⁵ about banning corporal punishment in all schools, that we had no intervention from one of the children's rights NGOs to speak up for the children's rights – especially as the Government had been so slow to argue that the ban was justified in the children's interests. The parents and teachers had

³ *White v White* [2001] 1 AC 596.

⁴ *Miller v Miller; McFarlane v McFarlane* [2006] 2 AC 618

⁵ *R (on the application of Williamson) v Secretary of State for Education and Employment* [2005] 2 AC 246.

argued that the ban interfered with their right to manifest their religious beliefs in the merits of corporal punishment but we eventually held that it was justified to protect the rights, not only of their children, but of children generally.

RH: The course of reforms in family law has not always run smoothly. Some of the things you recommended as a Law Commissioner have not been adopted, and the law has subsequently developed in other ways. So I'm wondering whether there are any of your recommendations that you particularly regret not having come to fruition, and whether there are any further reforms in family law that you would like to recommend at this stage?

BH: I'm not supposed to make recommendations as a judge! But in fact, most of my recommendations as a Law Commissioner were implemented. Whenever I hear complaints about the failure of government to implement Law Commission recommendations, I feel somewhat embarrassed, because the Family Law team – both before and during my time – had a remarkably good record of implementation.

I do regret the failure to reform the grounds for divorce.

RH: Can you explain a bit further for those in the audience who aren't family lawyers?

BH: The sole ground for divorce is that the marriage has irretrievably broken down, but that has to be evidenced by one of five "facts"; two of these ostensibly require fault, but are most frequently relied upon because they are quick; the others require periods of separation. We recommended that the allegation of irretrievable breakdown should be sufficient in itself, without having to go into why the marriage had broken down; but we also said there should be a 12-month period

between the statement of breakdown being made and the divorce being granted, so that parties could get their financial affairs and the arrangements for their children in order before the divorce rather than after it.

To its credit, the government took up the recommendation, but complicated the process by requiring that things should actually have been sorted out before the divorce could be granted. And then Parliament complicated it further by insisting on different timetables in different cases. The whole thing had become so cumbersome as to be unworkable in practice, so I was not sorry to see it dropped, although I might be cynical about the real reasons . . .

RH: Now, you neatly avoided the question about further recommendations – or suggestions – for reform. Is there anything that you think particularly needs to be addressed at this stage?

BH: Not so much in the substantive law, apart from the ground for divorce (which we tried) and financial provision on cohabitation breakdown (which the current Commission have tackled), but in the family justice system. At present, separating families may have to go through five different sets of procedures, and not all in the same place: protection from violence, arrangements for the children, the divorce itself, financial provision and property adjustment, and child support. We should be looking for a one stop shop.

Even in the same proceedings, there can be disagreement and inefficiency in deciding something which should be quite simple: see the sorry tale in the August issue of *Family Law* of the grandparents' attempt to apply for contact with their grandson after their own son's death (Anonymous Grandfather 2007). The

problem is the understandable reluctance of family judges to decide cases which could be agreed between the parties, and case management systems which seem to present endless opportunities for delaying those decisions that have to be made. I would like that to be given a good shake-up... But I'm not the President of the Family Division!

RH: Turning now to the area of mental health law, you first published your book *Mental health law* in 1976 (Hoggett 1976), with the fourth edition published in 1996. And at the Law Commission, you were responsible for the *Report on mental incapacity* (Law Commission 1995), which dealt with decision making on behalf of people who are unable to make decisions for themselves, and which resulted in the Mental Capacity Act 2005. I'm wondering what was the source of your interest in the area of mental health law?

BH As with many junior lecturers, I was put to teaching "law for...". Law for engineers is probably the least popular, but luckily I didn't have to do that. I was asked to teach "law for" what were then child care officers. That was alright; I knew a bit about child care law.

But then they changed into generic social workers who had to know something about all their client groups so the course had to change too; it had to incorporate a range of other issues, including mental health. No-one knew much about it, there was very little written, and so I decided to write a text book to teach both me and them. It was actually a very exciting time in mental health law, as the Mental Health Act 1959 was coming under attack for its failure to protect the patients' human rights.

Later, other mental health professionals found the book useful and later still even the lawyers began to do so: it has, for example, been quoted with disapproval in the Court of Appeal and then vindicated in the House of Lords in the *Bournemouth* case.⁶

RH: And you've more recently published a series of articles on the interaction between mental health law and the Human Rights Act 1998. What difference do you think the Human Rights Act has made to this area?

BH: The point I was making in those articles was that the European Convention on Human Rights is more effective in preventing the infringement of people's civil liberties than in positively securing the provision of appropriate treatment for people who need it. Article 5 protects against arbitrary deprivation of liberty and article 6 requires access to a court for the fair trial of one's civil rights and obligations. Article 3 protects against inhuman or degrading treatment and article 8 protects bodily and mental integrity, but both are subject to medical necessity. In *Wilkinson*⁷ and *Munjaz*⁸ in the Court of Appeal, we did try to develop these to give some protection against forcible treatment and the use of seclusion in psychiatric hospitals. *Wilkinson* was not appealed to the House of Lords, and subsequently the government has found it useful to be able to argue that in an appropriate case the merits of a decision to impose forcible treatment can be

⁶ *R v Bournemouth Community and Mental Health NHS Trust, ex parte L* [1998] 1 All ER 634 (CA); *R v Bournemouth Community and Mental Health NHS Trust, ex parte L* [1999] 1 AC 458 (HL).

⁷ *R (on the application of Wilkinson) v Broadmoor Hospital* [2002] 1 WLR 419.

⁸ *R (on the application of Munjaz) v Mersey Care NHS Trust* [2004] QB 395.

subject to judicial determination. *Munjaz* was appealed to the Lords,⁹ who did not like our insistence that Ashworth hospital should follow the Mental Health Act Code of Practice unless departure was justified in the individual case. It was worrying that the Department of Health should support Ashworth's position rather than its own Code of Practice. But it also shows how difficult it is to use the Convention to help even those who are detained in hospital, let alone all the others who need help which they want but cannot get.

RH: Just on the subject of the Human Rights Act, I want to ask you about a point that was made by Dame Sian Elias in her paper yesterday (Elias 2007). She argued that the dominant tradition of legal positivism has meant that courts' ethical, political and constitutional thinking has not been highly developed, and that the advent of Human Rights Acts has made new demands on the courts to develop their capacities in that area and to make use of a wider range of references than they have traditionally done. I'm wondering first, whether you agree with that characterisation, and secondly, how you think these developments are progressing in the UK?

BH: Yes, I do agree. But we are trying hard, led by some outstanding judges such as Lord Bingham and Lord Steyn. The Law Lords are not entirely strangers to constitutional and human rights adjudication, because they have sat for a long time as a constitutional court for those Commonwealth countries which have kept the right of appeal to the Judicial Committee of the Privy Council. And we're not just doing it on our own; we have a range of resources we can draw upon: from

⁹ *R (on the application of Munjaz) v Mersey Care NHS Trust* [2006] 2 AC 148.

international human rights instruments, the example of courts elsewhere in the world, especially in Canada and South Africa, and of course Strasbourg. We are not afraid to look for guidance from abroad.

RH: You've given a number of lectures and addresses concerning the need to appoint more women to the judiciary. The one I particularly want to draw upon here is *Equality in the judiciary: Why should we want more women judges?*, which was given to the 2000 SPTL conference, and published in *Public Law* in 2001 (Hale 2001). In that paper you saw powerful arguments for a more diverse and representative judiciary based on equal opportunity for individual candidates – so that all candidates have a chance of being selected – and democratic legitimacy for the benefit of society as a whole. But you were cautious about the argument that women judges can or should 'make a difference' in decision making. Your objections included the need for judicial impartiality, the fact that a judge's experiences and predispositions may have more to do with factors other than gender, and the fact that expectations about making a difference put "too much of a burden upon the few women judges there are" (Hale 2001, p. 501).

More recently, Erika Rackley in her article *Difference in the House of Lords* (Rackley 2006), and in the paper she gave yesterday (Rackley 2007), has sought to demonstrate the difference you *have* made in, as she puts it, "render[ing] contingent particular but dominant forms of reasoning", and "point[ing] the way towards new and/or previously overlooked approaches to judging and understandings of the judge" (Rackley 2006, 182). In light of that, I'm wondering whether you're now prepared to embrace the argument that women judges can

‘make a difference’, and also whether you still find it burdensome to be perceived in that way?

BH: My argument was that women judges should not be *expected* to make a difference, for the reasons I gave. I have known women judges, finding themselves the only woman sitting in a large court centre, who find it a burden to be asked over lunch to give the “woman’s point of view” on a particular case – as if there were ever such a simple thing as the woman’s point of view.

But that does not mean that we do not make a difference. As Chief Justice Beverley McLachlin has put it, “we lead women’s lives: we have no choice” (McLachlin 2003). One of my objectives at this conference was to find out whether dispassionate scholars thought that my experience of leading a woman’s life *had* made a difference to my own judging, let alone to the judging of my colleagues. I think it has shown that in some areas at least I do make a difference – the most obvious being child-bearing and sexuality.

But I think women may make a difference in other ways too: for example by making it difficult for their male colleagues to voice certain views that they might otherwise have been happy to voice; or by bringing different perceptions to the task of fact-finding – which is what most judges do much of the time.

RH: And following on from that, there was some discussion in the same session yesterday afternoon about the influence of having a family lawyer on the House of Lords. Do you think you make a difference as a family lawyer?

BH: Of course I’m not the first family lawyer on the House of Lords. Lord Scarman was a family lawyer, and so was Lord Simon of Glaisdale. But I am the first for

some time and we bring a different dimension because of our different judicial experience – rather than passing judgment on the past we have been trying to rebuild shattered lives for the future. We are bound to pick up a concern for the vulnerable and defenceless.

RH: Now coming back to The view from court 45, you began that article by talking about your developing perception as a judge of the Family Division that “most of my time was spent oppressing women: specifically, mothers” (Hale 1999, 377). Do you have a sense about how you spend your time on the House of Lords? Are you oppressing anyone there? Is it just a general mix of cases, or are there particular matters that seem to predominate?

BH: The people we most conspicuously oppress are the counsel before us and the judges in the courts below!

The cases are a general mix, but there is a policy of ‘horses for courses’; so I tend to get picked to sit on cases involving mental health, women, children and equality issues, but also human rights and migration cases, which come up very frequently. I was pleased to see that the SLS now has a migration law group, because this is a vast area of law and practice about which we all have to learn very quickly when we reach the appellate courts.

But we all do everything, so recently I sat on my first tax case – a very interesting one for me, as it was about whether the anti-avoidance provisions applied to a husband and wife company where the profits were earned mainly from the husband’s skills but distributed mainly as dividends to them both equally.

So far I think I can safely say that there have been no boring cases.

RH: And thinking about your different experiences in the High Court, the Court of Appeal and the House of Lords, you've said that you've enjoyed the "less macho" atmosphere of the House of Lords compared to the Court of Appeal (Hale 2004). I'm wondering if you would care to elaborate on what it is that makes the Court of Appeal more macho and the House of Lords less so?

BH: Oh, the things one says that come back to haunt one! Yes, I did describe the House of Lords as less macho.

The Court of Appeal seems full of big men, exuding both physical and intellectual power, and at least in the Criminal Division working at a furious pace. The House of Lords is calmer and more reflective, though working just as hard these days.

Having said that, there was also more discussion about cases in the Court of Appeal, before, during and after the hearing; whereas in the House of Lords it's more solitary, there's much less discussion amongst the members of the court before and during the case.

RH: I was going to ask about that – about how the dynamics work in each court in relation to discussing cases and producing judgments.

BH: In the Court of Appeal, three-member panels tend to sit together for three weeks at a time. The Presider allocates the lead or 'donkey work' judgments in advance each week. The panel meets in the Presider's room to discuss the case before the hearing and the discussion continues in the breaks during the hearing and afterwards.

In the House of Lords, the lead is not allocated in advance and there is no organised discussion before or during the hearing. Afterwards, when the doorkeepers shout “clear the bar” and we are left alone in the committee room, each judge gives his or her preliminary views as to the outcome of the case, with reasons, working up in order of seniority from the most junior. It’s an awesome task when you begin. Once it’s clear what the result is likely to be, it is decided who will write the ‘lead’ opinion, but the Presiders certainly do the lion’s share. After all, the cases are often very important and on appeal from the most senior judges in the courts below. There is still room for discussion and for changes of view, but the initial process does tend to solidify views. I sometimes wonder whether this accounts for the number of cases in which we have five separate opinions. There seems to be a more open discussion if there’s a gap between the end of the hearing and our meeting (usually because people need to get away for other commitments). Then we can be more relaxed and informal, sitting round the table in our own conference room rather than in the committee room.

RH: Your published work and the discussion we’ve been having today illustrate the ways in which you’ve reflected on your experiences and the process of judging. Do you think it’s important for judges to judge reflexively – to stand back and reflect on their work, to be alert to habits of thought that they might be prone to, or to legal straitjackets that they might find themselves working within?

BH: Yes I do think it’s important. I have had to adapt to three very different roles in the course of my career. As an academic I was expected to stimulate my students’ enthusiasm for the law and to have my own ideas, but not to implement them. As

a Law Commissioner I was expected to have ideas, but to translate them into workable and acceptable law reform – which is much harder than it sounds. As a first instance judge, one is not expected to have ideas, but to decide the facts and apply the law which others have decided. Further up the system, there is more scope for creative thinking, but within some rather ill-defined limits, which I am still trying to understand – mainly by observing some of my senior colleagues in action. It is hard to discern when they will think that they can develop the law and when they will think that it should be left to Parliament.

In Equality and the judiciary, I invited comment on “How...what passes for my thinking [has] changed from when I was the academic who co-wrote the first book on *Women and the law*, through when I was the Law Commissioner...to my time on the Bench” (Hale 2001, 500). Eventually I hope that legal scholars will answer that question for me.

RH: Finally, I want to turn to the issue of unfriendly press commentary, which is an issue faced by many Law Commissioners and women judges. You’ve been subjected to personal attacks, and attributed by the *Daily Mail* with single-handedly causing – or attempting to cause – the collapse of western civilization. Has the media commentary you’ve received affected you in any way?

BH: On the list of questions you kindly provided me with before today, there was a second part to this question, which was “how are you affected by academic commentary on your decisions?”

RH: I was going to ask that as a follow-up.

B.H.: Well the answer to both is the same. I am pleased when they approve and sorry when they disapprove. I am disappointed, upset even, when they get it wrong. Sometimes that is my fault in not explaining myself properly, which is particularly upsetting, but often with the popular press it is their fault.

But criticism is always salutary, and so is the opportunity to reflect upon what one is doing - as in this conversation. Thank you for having prepared such a thought-provoking set of questions!

RH: And thank you for providing such thoughtful and generous answers.

Acknowledgements

We would like to thank Professor Celia Wells, then President of the SLS, for inviting us to participate in the conversation reproduced above. We would also like to thank the members of the audience for their overwhelmingly positive and enthusiastic response to a conference plenary session that adopted a novel format.

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