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Justice For All

SIR GEOFFREY NICE QC

TIM DUTTON QC

You honour me all very much by coming – thank you very much indeed.

Book launches are always the subject of many thanks – three immediately. To Dr Valerie Shrimplin, Academic Registrar for sitting through 24 of my lectures and tolerating all my difficulties. She then suggested I had the lectures published and referred me to Neil [Titman], and he put me in the hands of Hannah [Bowen], an editor, a bit like Mr Barnier, I should think, we agreed on most things and whenever we did not, she was right and I gave in. She was an immaculate editor. I am immensely grateful to all three of them.

The book is largely the lectures but it is in part autobiographical, and so the question arises: what sort of a lawyer may I be? Well, I am certainly not one of the very clever ones who go to the Court of Appeal and the Supreme Court, and genuinely clever, much to be admired, and deal with the most intricate and difficult problems facing a modern society – not of them. Nor am I one of the barristers or solicitors of equal intellectual calibre such as our first speaker, Tim Dutton, who chose instead to stay at the bar, to organise and to press the law through advocacy, and in Tim's case, by the way, to mount every pinnacle of the bar, running the bar and running a most successful and famous set of chambers, I suppose a bit like a small FTSE 250. So, I am not that sort of barrister either. And I looked up the words that describe people who try to do too many things and they are either far too offensive or far too flattering. So, what am I? I guess I am a sort of travel guide, and I have tried to take people, in the lectures and in the book, to places of the law, legal systems, which might be unfamiliar and where I might be able to give some guidance as to what they might be able to find, and that shapes this evening's event. You are going to hear just a little bit more from me, then seven minutes each from my three speakers, to whom I will introduce you in a second, a bit more from me, and then some questions – short questions. But I thought that it would be helpful if I got my speakers to tell you about the three of the landscapes of the law on which I have operated.

The first, the ordinary, not ordinary, but the English common law bar where I worked in both criminal and civil work, but a large amount of criminal cases, from 1971 until 1998. Tim Dutton, I hope, will be able to deal with some of that and give you something of a picture. He came to the bar eight years after I did. We were in the same chambers for a time, and, indeed, he was the first person I ever led in a case. We were both juniors at the time. It was a criminal case. And it had the feel, for those of you old enough to remember, it had the feel of Rumpole – no really, with the laughs, with the comments on the good bits of the law and the bad bits of the law, and with all the humanity that he always feeds into those wonderful episodes. I cannot remember a case I have enjoyed more than the case I enjoyed leading Tim, but despite the fact that we had such fun, I do not think our client suffered at all – that was probably down to Tim.

The second landscape is the landscape I went to in 1998 and stayed at, more or less, until 2006. To help you with that is Dr Nevenka Tromp, who joined that same landscape, but not as a lawyer. She was, and is, an academic at the University of Amsterdam, and so she and I, from different disciplines, were finding ourselves on a new landscape, a different landscape, and I hope, in her seven minutes, she will be able to give you some reliable account of that.



The third landscape is a rather different one, it is the landscape of Jersey, where I was only present for a short period of time, and as many of you will know from the lectures, or from other places, it was a landscape which brought trouble to me. After the case I was there to try as a judge in 2007, there was an appeal to the ultimate appeal court, the Privy Council, and they clearly formed the view that I was not Judge Geoffrey Nice but Judge Jeffreys, nasty, and they thought that I had it in for the defendant, and they were completely and totally wrong on every count. So, I did that which is not really expected of an English barrister, or indeed of anybody from the English assumed middle-class, which is, when you are thrashed like the lad in another country, thrashed and thrashed unfairly, you turn round and shake their hands and say, “Thank you very much” – no, not my disposition. So, I challenged the judgement, which was clearly going to destroy me or damage me – it caused a great deal of damage, and I made absolutely no headway. The judges were determined that they were right, and if they were not right, they had a number of procedural defences to put up in their own defence – they refused to hear me, they refused to discuss the case. When the case of the man who sought the appeal was over, he got a re-trial and pleaded guilty. Well, that is a bit strange. When it was over, there was then no chance of his going back to the Privy Council and therefore he would not be prejudiced by anything else that I might do, so I wrote to the one person who might be able to provide an objective view of the case and to say whether I was in fact off my rocker or whether I might be right and that was the counsel for the co-defendant who had been acquitted at the case, not by me but by the jury – that is their semi-professional jurors. That is Catriona Fogarty, the last person from whom you will hear before you come back to me. She immediately wrote a letter, knowing it was going to the Privy Council judges, heedless of her own career and the risks it might bring her, and absolutely straightforward and honest in what she had observed of that trial and that letter is a letter you can read in what is called Appendix B of the book. Many other things happened that slowly moved the needle that was against me, but not very far. The judges refused to see her or to hear from her, to despite saying, in writing, “If Miss Fogarty is right, we may be wrong”. Unhappily, they did not say that to me, they said it to a member of the House of Lords, while saying to me “You better put it behind you”. So, you will hear from her, not about her letter, you will hear from her about the culture that I went into, a bit, I suppose, like Tigger, with two wagging tails and getting it all a bit wrong and not understanding where I was. You will hear from her about that culture, and then you will hear from me, but at question time, you will be able to ask all of us if you want to questions that may occur to you. Meanwhile, Tim...

Tim Dutton

It is a great privilege to be asked by Geoffrey to say something and he is a man to whom I owe an enormous debt of gratitude. So, although Geoffrey thought I was going to speak in segment one about the common law, he and you will have to put up with a little bit of background material, but I promise that if you stick with me on the background material, the threads will all draw together and they will have relevance to the book you are about to enjoy and the drinks which you will ultimately enjoy even more.

In October 1977, I started my final year at Oxford. My tutor read out, to a group of us as we were about to set upon the path of getting ready for finals, two letters. The first, he said, was from a young barrister, Geoffrey Nice, and the letter read more or less as follows: “If you have anybody” – we were both at Keble – “wanting to be a barrister, please ask them to apply to my chambers. Life at the common law bar is interesting and we would welcome anybody of talent whom you could send in our direction.” The second letter, read out by the same tutor, was from a chap who had also been to Keble, who got a First, and whom we were told was very able. He had completed his pupillage but he did not get a tenancy, and his letter was more or less a diatribe about how ghastly life at the bar was – it was all a waste of time, grotesquely unfair, at the end of which the tutor said, “And my advice to all of you is, do not, whatever you do, try to go to the bar.” Fortunately, three of us disobeyed the instruction, I am one, and I wrote to Geoffrey, and after doing a monumentally boring commercial pupillage in a set of chambers, not currently my own but another one, I did my second six months in Farah’s building, having written to Geoffrey and having been given a pupillage. He was the first barrister I watched in court. “Geoffrey Nice”, I was told, “is a brilliant advocate – please go and watch him”, and so I did, I went to the court, I saw this glamorous and powerful advocate making a plea in mitigation to the Billericay Magistrates, and he said how terribly sorry his client, the local supermarket, was for putting wrong pricing labels on Domestos bottles, and I thought this glamorous barrister really was turning a pretty fine phrase in an area which did not seem to me, frankly, to justify all of the effort and power of his oratory, but the advantage for me, apart from hearing powerful advocacy at Billericay was that I was driven back by Geoffrey, for those of you who remember, in his black Citroen Traction, with Geoffrey asking questions about what I thought, not just about



the law but music, because we had had some musical background in common, the future, and we had a very engaging conversation, all with a kind of risqué glamour attached to it, as I saw.

And there it was, as Geoffrey has just mentioned, two years later, in 1981, he and I worked together in my first big case at the bar, a corruption trial. Geoffrey was brought in to lead. Our client was an engineer at the National Grid power-station, in one of the Kent power-stations, who rejoiced in the name of Brian Lesley. The allegation was that he had received favours in the form of fridges, freezers, t-bone steak dinners, washed down with Guinness, parts for the yacht he was building, indeed all of the parts for the yacht he was building, from the builders who were favoured with the contracts at the power-station in many millions of pounds, not just in Kent but also Battersea Power Station when it had been working in the 1970s. And here, we get to the first part – this eventually links to the book. In a conference with Geoffrey and the client, the client's defence was: "I went to get these fridges, I did not realise I was not being charged for them – I never thought anything of it, and there was no corruption involved at all, it was not for favours, I just happened to get them for next to nothing, or indeed, no bill ever arrived, it just so happened". And there we were in con, and Geoffrey said, "Why did you go to London for the fridges, the freezers, the white goods, when you live in Faversham?" Pause. The client says, "Ah, it is because my wife particularly liked the fridge shop in London", to which Geoffrey said, "Fridges are fridges – you travelled 40 miles to get a fridge when you could have got one in Faversham." "Ah, it is because of the wife." At that point, Geoffrey says, "Right, we are going to have a break", a few minutes into the consultation. I could not quite work out why we had to have the break. Geoffrey sent the client out and took me to one side and said, "Right, are we going to take a statement from the wife?" and I said, "Well, we may as well – she may corroborate him". "Ah," he said, "but if we do and she comes up with the same story, and when he is cross-examined, he will be cross-examined on the basis you have just made this up, it never appeared in your interviews, and you have just cooked this up with the wife." I said, "Well, yeah, that is certainly a possibility, I had not thought of that." He said to me, "Suppose the wife then says, "No, no, no, I am afraid my husband is lying to you", what is our position then?" I said, "Well, I suppose, in that position, we may not be able to carry on and I am going to lose a brief – I need this brief to pay the mortgage on the flat I have just bought!" Geoffrey said, "Well, suppose she is unwilling to corroborate." I said, "Oh, my God, I cannot suppose all of these things!" Of course, this is typical Geoffrey and you see it in the book. He was posing absolutely pertinent questions and eventually came up with the solution because the first time we had heard this story was from the client, where there was a real risk that we were going to become embroiled in the very things the client was going to be speaking about when he gave evidence, so Geoffrey said, "An independent solicitor should speak to the wife and all we need to know is whether she is prepared to give evidence, and if she is, the independent solicitor can take the statement." Back came the answer, some weeks later, the wife is not prepared to give evidence, but our ethical position was uncompromised, and we might well have led ourselves into some difficulties had Geoffrey not had the foresight to ensure that things happened independently.

Well, that was 1981, and the client went on to have a trial with many fashionable QCs from the London bar appearing for others, but Geoffrey, at the end of the prosecution case, made a powerful submission that there was no case to answer – it was unanswerable, because we had worked out, Geoffrey had, that the prosecution had charged the wrong conspiracy. There were so many potential conspirators that the prosecution had not identified actually that our client belonged in Conspiracy A and they had charged him in Conspiracy C, which was fundamentally a failure in the approach to the case. The judge, Sir Donald Farquharson, newly appointed and also ex-Keble College Oxford, was then confronted with the prospect of a trial going belly-up in circumstances where this was his first big Crown Court trial. There were all sorts of defendants, huge costs – the pressures were on him to keep the trial on the road. And I am afraid we watched as the prosecution scabbled around to amend their indictment, re-charge it, they were given permission to do so, the case proceeded, and the half-time submission, which was extremely well-founded, failed. You may think it failed because to keep the show on the road a permission to amend was made.

We then get to the closing speech, again powerful oratory from Geoffrey. The jury go out, and the Judge then does the second prosecution closing. In those days, that was possible. The prosecution could do a closing speech, the Judge could himself, frankly, do a closing speech, as Joe Cantley, those of you who may remember, did a defence closing speech in the Jeremy Thorpe trial. The Judge, having summed up for the prosecution, our client was convicted. He may have been convicted, but the Judge, after Geoffrey's very powerful plea on mitigation, felt a degree of concern and, having heard a powerful story from Geoffrey about the harm this would all cause, decided to fine him the grand sum, for years of corruption, of £1,500. At that point, there was whooping from the public gallery, and the Judge looked up and saw our client's wife, who had not been



prepared to give evidence, standing cheerfully in the brand-new fur-coat of many she had been wearing, which was itself part of the proceeds of his corruption and far more valuable than the £1,500 which the Judge had imposed by way of fine. The look on the Judge's face as he realised that Geoffrey's advocacy had achieved, frankly, a measure of compromise justice, a man who probably should have walked may well have been guilty had gone down and had got out with a very modest penalty. Well, that was 1981 to 1982. Through all of that, I learnt some lessons from Geoffrey, that one should always think ahead, never take for granted in the common law system in which we have been operating the status quo.

I am going to move to 1982. A young bar student was sent to Knightsbridge Crown Court, and in fact took the option to go to Knightsbridge Crown Court, because she thought that Knightsbridge Crown Court, being next to Harrods, was a very convenient place to watch, as a bar student, advocacy being performed in the Crown Court, which now has become a block of flats but was extremely useful for those who, during the lunch adjournment, like to study jury. The barrister in the case, which the young beautiful student was watching, was one Geoffrey Nice, and she wrote to the Head of Pupillage in our Chambers, Michael, and said, "I have just seen the most powerful advocacy in Knightsbridge Crown Court performed by the brilliant (and handsome) Geoffrey Nice". She was eventually offered a pupillage but when she turned up, she was told – I hope Michael is not here – in this rather condescending voice, "I do not give pretty girls to Geoffrey Nice, so you will be having your pupillage with David Pitman". Forgive me for saying this, but David Pitman's advocacy and Geoffrey's are at diametrically opposite ends of the spectrum. The common law is full of different types of advocate who perform their functions. Sappho, having wanted to go to see Geoffrey, landed with a rather more conventional barrister, but what was the joy of this? I shared David Pitman's room, and by this means, Geoffrey has been responsible for making sure that I met my wife and we have been married for 30 years ever since. So, Geoffrey is responsible for my coming to the bar, for my meeting and marrying my wife, and for most of what has happened in terms of my thinking from those very early days of the stimulation which he gave me.

Next, in the years after we had been working in chambers, Geoffrey came to teach at the advocacy course in Keble. The convention at the bar was that you could not teach advocates how to be good advocates. To say that now sounds utterly ridiculous, but it was the convention that, somehow, you learnt your trade, through some process of osmosis, practised, as Geoffrey says in the book, on real clients. Think of it. Real clients go to prison, real clients are made bankrupt, if their barristers make mistakes, but until the early-1990s, we simply did not teach barristers the craft and art of advocacy. It is no different from saying that you cannot teach a violinist how to perform the violin better. It was as ludicrous as that. Geoffrey was in the forefront of helping us to fashion good teaching techniques, and substantive teaching, which has enabled generations of barristers since to ensure that when they practise their art, they are doing it at least safely, if not with the gifts which Geoffrey and others have.

Geoffrey developed a thundering common law practice, but he always asked moral questions. He never took for granted the status quo, and I think it was this aspect of Geoffrey's character which led him to the ICTY, where he embarked on huge cases which Nena will tell you more about, its massive stresses and so on. Within the book, Geoffrey is forever, as he always has done, asking questions, and as he is done in the Gresham lectures, and the book is based around the questions which Geoffrey asks. I suggest that there are four features of the book which emerge certainly from the common law, if not the whole of the book, parts of it: first, that the things we take for granted should not be taken for granted. They may mask unfairness or injustice. The examples he gives in the common law system are of politicians, judges and prosecutors, as well as, for example, the absence of training. Second, Geoffrey is always asking how can we do something better. At the very beginning of the book, he talks of the fact that the judges in cases like the Bentley case, Derek Bentley, remember "Let Him Have It", the conspiracy to murder, where the Lord Chief Justice managed to sum up the burden and standard of proof wrongly, as was subsequently said in a judgement more than 30 years later. Geoffrey says, "They all go to bed and sleep after committing these injustices happily. Why? Because they do not question the status quo. They are not intellectually keen enough to keep asking whether they're doing the right thing." Third, Geoffrey asks in the book, I think, where does the truth lie in the processes of justice we have set up, and that question is posed in the adversarial system which I have been describing and of course is posed within the politics and law of the international tribunals. The fourth lesson that emerges, is that justice is supposed to serve all of us, whether that is within the common law jurisdictions or the international or civil jurisdictions, and there is a theme which runs through the book, which is that if we permit the interests of one cog in the wheel, for example, judges or prosecutors or the politicians who engineer the establishment of our



processes, to prevail or to gain some special status over and above any other, we do not deliver justice because we do not deliver justice, as the book says, for all.

Can I close by saying I am extremely grateful to have been given the opportunity to make these remarks, for a great deal more than seven minutes, and to renew my thanks to Geoffrey?

Geoffrey Nice

It is hard adequately to express my gratitude to these three speakers. There are two major lessons from the Jersey case. The more important one, I will come to right at the end of remarks that I will abbreviate while I make an application to Valerie for a short extension. Granted? Granted! But the most obvious lesson is that this is the sort of circumstance where you will discover your friends, your true friends. It is quite an interesting experience to go into restaurants and bars and see people you know suddenly find the wall a lot more interesting than the place where you are standing, but it is even more interesting to find those people who stood by you when times were difficult, and I am going to use this opportunity to name some of them. They are here tonight – not all of them. Tim and Sappho are unendingly supportive of me; my family, completely supportive; Nena, completely supportive; Paul Spencer, wonderfully supportive; Rod Dixon, in my Chambers, supportive of what happened – real friends; and Desmond Brown, who, with Tim, helped set the needle right. Paul Spencer is a tough nut. He looks after you, but he does not take anything for granted, a perfect sense of justice.

Let us come back to the subject matter of the lectures, to some of the things we have heard, and a few conclusions and perhaps time for a few questions. There are some conclusions, but before I come to those conclusions, my travelling in three different landscapes was only part of the late onset broadening of my experience. Tim's wife, Sappho Dias, herself a leading lawyer in her own field and from Burma, had already expanded my interest when, years ago, she asked me and various other people to be involved in Burma and in the human rights abuses being committed in Burma. Long before the fashion of the last year or so to raise it in the popular press, decades of reporting on Burma had gone on. And so, she got me to be involved and I started to do the little bit I could while she was doing very important work in taking cases to United Nations Committees. From that, I spread my wings a bit and got involved in North Korea. The two people who helped me particularly with that, Ben Rogers, the chap who was, do you remember, sent back from Hong Kong the week before last, and David Alton in the House of Lords. They got me involved in North Korea. It was in this room, as a result of that, that we were able to launch in England the report of Michael Kirby, the Australian Judge, who gave a damning report three or four years ago on the human rights abuses in North Korea, and recommended that the case be sent to the International Criminal Court. Then there was Hamed Sabi who got me involved in looking at the problems of Iran in the 1980s, where there had been wild atrocities by the regime of the Ayatollahs, thousands killed in horrible circumstances.

Why do I tell you about these three different examples of unhappy events around the world? It is because of the first unhappy conclusion, that working in this kind of law bring me to, and brings other people to as well, and it is that, where other interests are involved, the interests of the victim will always be at the bottom of the pile. The victims in Burma, for a time, Sappho was able to get Ministries in London, and I suppose around the world, to say what a good idea it would be to take this case to the International Criminal Court. Then, Aung San Suu Kyi was released from house arrest and the place became a nice holiday destination and it is good for business, and so no longer a good idea. Did they think, when they said it was not a good idea, about the victims, and the victims who would not learn, as they might do through a judicial process, of what had actually happened? The same in North Korea. Justice Kirby's report, launched in this room, is the strongest report you can imagine, recommends that the regime of North Korea be referred to the International Criminal Court. How far did it get? It actually got as far as the General Assembly, but not to the critical Security Council. It is presently on a shelf. And of course, a different kind of problem but similar in one respect, the diaspora of Iran, who put on, with Hamed Sabi's assistance, an informal tribunal to leave a record of the terrible things that happened in the 1980s, they would never have satisfaction from an official body because no official body would dare to investigate Iran publicly. In all cases – there may be some good reasons, there may be good, what is it, geopolitical reasons, for not dealing with these things in a formal way, but the result of that is that the interests of the victims, the real victims, are overlooked.

In the lectures, I dealt with one connected example of victims' interests being overlooked in the various cases at the ICTY that dealt with Srebrenica, the terrible massacre of 8,000 plus men and boys in July of 1995, and I



revealed, I hope, to those of you who were here, how evidence was either blacked out from public view or, so far as intercepts were concerned, kept away altogether from the court, and it is important for us to remember for Srebrenica that the West waved Srebrenica through. I was shocked myself to see a Newsnight programme, of 2009 I think, where Holbrooke, the President's man, Clinton's man, negotiating everything that there was to negotiate in the Balkans, face to camera, says, "I was instructed to abandon Srebrenica, Žepa and Goražde". Somebody wrote to him and said, "When you said "abandon", did you mean the territory or the territory and the people?" and he wrote back by email "Both". On the same programme, I was shocked not to have remembered the Dutch Defence Minister, Voorhoeve, saying two members of the permanent five of the Security Council knew in advance of the attack. Asked the question "Which two?" he says, "I am forbidden from telling you".

Now, again, whose interests are involved here in international justice mechanisms or in possible international justice mechanisms that don't work? The victims – because it is they who want to know, by some formal process, what happened. If you keep away from a court the evidence of what the two principal defendants in the Srebrenica example, because the intercepts were between Mladić and Milošević at exactly the time of Srebrenica, if you keep that information out of the public domain, who are you harming? Are you harming the great players who thought, well, it would be a good idea to suppress this evidence because it shows how badly involved the West was? Not really. But you are harming the people who are of course coming to the end of their lives in a natural way who do not have access to the truth, and did we not see another example of it last week with HMS Sheffield? Here was a report of our own Government that showed the truth of what happened and that will have been wanted by the people whose relations and friends died on that vessel, but it was kept from them because it would have upset the euphoria, the post-Falklands euphoria.

As you think about these issues, if you do, think of what actually must have happened. Some maybe mid-level diplomat of one country or another or two saying, "Well...I don't think it's a good idea to reveal that evidence, do you?" "No, I don't. I think it's better suppressed." "Quite right!" Do you think that their conversation included, "But if we do that, we will be harming the interests of the people most affected"? I fear not.

Two other quite connected points, and then I will end. The next connected point, which has come from my looking at various conflicts and various legal systems, and you can think this is idealistic, schoolboy-like if you like, is that there is no public culture of confession, as far as I can see, in any country. All our governments, especially our adversarial one, which is good for television but I am not sure how good it is for government, work on the basis that people will lie to one another and hide truths and that they will not reveal the truths to the public. I heard that MP who I sometimes like, Kenneth Clarke, saying, "Never admit a thing". Why not? And it is a huge and unforgivable hypocrisy. Why? Because the ordinary person, you or me, in the dock of the Magistrates' Court or the Crown Court facing a trial of any kind, are expected to confess. We get benefit from confession. But it is sort of expected that you will tell the truth. And yet there are no state organs that see it as their duty to reveal the truth, unless they are really forced to it, and I think recently, in the Brexit – I do not want to talk about Brexit, but I think recently there was a letter from 125 MPs asking for revelation of the documents that exist in Government showing the actual consequences for the country of Brexit, and they will not be made available necessarily. All round, we have no policy, no culture really of telling the truth, and we should do.

And connected to that, I suppose, in a curious way, is the second lesson from Jersey but a pretty obvious lesson, which is that, whenever there is a state institution whose interests may be engaged, then your interests, or the interests of smaller, less powerful people, will count for nothing.

So, I am going to end with that concept in mind, offering a corrective. In all areas of the legal profession that I have experienced here and overseas, there are many extremely good lawyers, well-disposed, professional, honest, and true. It is only the minority of occasions when the processes get corrupted to the limited extent they do. And I hope that in the lectures I gave, and also in the book, if you read it, there is a balance between, as Tim in his analysis of the book saying that things were not to be taken at face value, there is a balance between that and recognising the huge good that lawyers can and do do in society, but like everything else, you have to be on guard for what you see. This business of not being able to trust anyone, which is, in a sense, or any standard, which is something Tim picked up from the opening part of the book that dealt with how people will do things thinking they have done right because they are acting according to standards that are now past, with that idea in mind, he referred to the judge in the Bentley case.



I will give you a short passage that explains why I wrote the book, but before I do, I am looking around. I am not sure, did I mention Rod Dixon earlier on? I did. But what I did not mention in relation to one matter, the Jersey matter, was Graeme Williams, whose wife, Anna Worrall, is here, and this is a little touch that I really must mention. Graeme did not know me especially well, but we were sort of vaguely associated, and he wrote a little book called ‘A Short Book of Bad Judges’, and he mentioned me in it, in a very carefully crafted introduction, but if you read it, it was not I who was the bad judging – that was elsewhere, and I am very grateful to him and to Anna for helping me out in that respect.

I hope I have not missed anybody else to whom I should have been referring, the Bonomys, immense supporters of me throughout my life since they first encountered me, and if I have, please forgive me.

But I will tell you how and why I wrote this book in a way, from the last lines of the epilogue, and I will just read you half a page. It refers to a man called Tom Early, who was the Communist, Marxist, conscientious objector, Vietnam demonstrator, teacher, surprisingly engaged at my ultimately respectable day public school or whatever it was, and he was also a Welsh poet, and his daughter Jean is here, because I became friends of their entire family, to represent him, Tom being dead, and this is how I will end my presentation.

Calibrating personal goodness in the course of aging is to add one task to an already difficult battle. Growing old is probably the greatest battle many will face, not least because the outcome is certain, and victory or defeat will be assessed only by how defeat is handled. Many, perhaps most, of us who have spent some of life wondering how we have contributed approach the end of a conveyor-belt that is going to tip us over a cliff into an unknown emptiness, unable properly to assess what we have achieved, but already beyond use to the society of which we were a part. The last two verses of Tom Early’s poem, ‘Rebel’s Progress’, about his life from Marxist to anti-Vietnam War demonstrator sets out how his activist’s political journey would end:

So now I will leave the politics to others,
And not be an outsider anymore.
I will go back to the valley, to my mother’s,
And never set my foot outside the door,
Except to go to chapel on [Brynsyon]
And maybe join the [Cwmbran] Male Voice Choir.
I will sit at home and watch the television
And talk about the rugby by the fire.

No Welsh valley, or talking about the rugby, for me, as it happens, but surrender of a lifetime of thinking constructively about world affairs, to little more than reminiscing about cosy times past. Is this what aging lemming gangs of skilled surgeons, school crossing keepers, scientists, judges, street cleaners and astronauts all face, knowing the cliff is near? Leaving some record, little better than a message in a bottle thrown into the sea before this particular lemming falls may be a better thing to do.

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