

Why Levin merits an honourable mention in our legal history



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BERNARD LEVIN, the former *Times* columnist who died last month, disliked lawyers. But many judges, barristers and solicitors remember him with particular affection for puncturing the pomposity, arrogance and hypocrisy that often afflicted our profession. The power of Levin's pen was most memorably displayed in a June 1971 article which did much to establish that even judges should be subject to criticism.

Lord Goddard, Lord Chief Justice 1946-1958, died on May 29, 1971. His period of office was distinguished by his passionate devotion to preserving corporal and capital punishment and by his unfair conduct of the 1952 trial of Christopher Craig and Derek Bentley ("Let him have it, Chris") who were convicted of

the murder of a police officer. Craig was 16 and sentenced to the mandatory term of indefinite detention. Bentley was 19 and so received the mandatory death sentence. He was hanged in January 1953.

On June 8, 1971, ten days after the death of the former Lord Chief Justice, Levin let Goddard's reputation have it. Levin argued that Goddard's period of office had been a "calamity". His influence on the cause of penal reform was "almost unreservedly malign". His conduct of the Craig and Bentley trial displayed an "animus against both defendants as undisguised as it was unjudicial". He had behaved with "vindictiveness" and had "injected a crude emotionalism in the case". The obituaries of Goddard "read as though they were written by lawyers" and so should be taken "with a whole lot's wife of salt".

Levin added that he was aware that "many a pen must be twitching, especially in the Temple", to write to *The Times* denouncing his column as "a cowardly attack on a dead man". Responding in advance, Levin pointed out that he had published similar sentiments while Goddard was alive,

indeed while he was still Lord Chief Justice. Goddard's sympathetic "official" biographer, Fenton Bresler, recorded that after a critical article by Levin in *The Spectator*, in 1958, the Attorney-General, Sir Reginald Manningham-Buller, wanted to prosecute Levin for contempt but took no action at Goddard's request.

Senior judges lined up to condemn Levin in letters published in *The Times*. Lord Devlin complained that much of the article "does not make sense to a legal practitioner". Lord Parker, Goddard's successor as Lord Chief Justice, wrote of "the shock and distress" he had suffered at reading Levin's "below-the-belt attack". Lord Hodson described Goddard as "a man of rare integrity". Levin's view that the legal profession had an infinite capacity for deluding itself (if nobody else) was confirmed by Lord Denning's tribute to Goddard in the Court of Appeal on June 8, the day that Levin's article appeared. According to Denning, Goddard performed the role of Lord Chief Justice with "incomparable distinction", he was "respected as no other

judge of our time" and he would "go down in our annals as one of the greatest of Chief Justices".

Lawyers used their most severe sentencing power against Levin. In the relevant volume of *The History of The Times*, John Grigg records that "soon afterwards Levin was blackballed by the Garrick Club, in whose membership lawyers form a substantial element". For some judges, the anger persisted for many years. In her 1985 autobiography, Dame Elizabeth Lane, this country's first female High Court judge, announced that the article (she cannot bring herself to mention Levin's name or that of his newspaper) made her so "furious" that she "vowed that I would never read another word the author wrote and I never have done".

It is not a necessary quality of great newspaper columnists that they are always correct in their opinions. But Levin's criticisms of Goddard are strongly supported by events since 1971. In 1993, the Home Secretary, Michael Howard, granted Bentley a posthumous pardon in relation to the sentence of death, after a Divisional Court judgment

told him to do so. The official files, disclosed for the purposes of the proceedings, revealed that, although the jury recommended mercy for Bentley, Goddard wrote to the Home Secretary, that he could find "no mitigating circumstances", despite that Bentley's mental state was "just above the level of a feeble-minded person". In 1998, the Court of Appeal allowed a posthumous appeal against conviction because Lord Goddard's summing-up was so prejudiced against Bentley that it "denied him that fair trial which is the birthright of every British citizen".

Today, Levin's opinion of Lord Goddard is orthodox. Few would now quarrel with his belief that even the quality of our judiciary can benefit from critical analysis. Levin's journalism should receive an honourable mention in the history of the English legal system for helping to remove at least some of the layers of deference and self-satisfaction that had previously slowed down the rate of reform.

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