

## *LAUDATIO: SIR STEPHEN SEDLEY*

THE RIGHT HONOURABLE SIR JOHN LAWS\*

I FIRST KNEW Sir Stephen well over 30 years ago, when I was doing cases in court for the British government. Stephen was a frequent opponent. Of course his clients and mine approached the same issue from different directions; and indeed, Stephen and I ourselves were inclined to start from different, sometimes opposite, standpoints. But we became good friends, and it was always a pleasure to be against him. There was no more courteous or honourable opponent; our dealings were always marked by good humour; our contests were vigorous - no pulled punches; but every encounter was amiable. My time at the Bar was much enriched by the challenge and pleasure of battles with Stephen.

We were both appointed to the High Court Bench in 1992. Generally the High Court Judge sits alone, so he and I had little chance to work together. We were however interested and involved in the same field, public law. Stephen delivered a number of influential and important judgments, notably in relation to legitimate expectations and the duty to give reasons. After we reached the Court of Appeal, to which we were appointed on the same day in 1999, we often sat together; I found this at least as great a pleasure - greater - than having contested cases with Stephen at the Bar. Here again, in the Court of Appeal, we were inclined to start from different standpoints. But I always thought it remarkable that coming from opposite directions we would very often arrive at the same result.

Stephen was a wonderful colleague and a great judge. His statement about free expression in a case decided in 2000 is a ringing endorsement of a vital truth: "[f]ree speech includes not only the in-

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offensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence. Freedom only to speak inoffensively is not worth having."

He is also a very considerable scholar, not least of legal history. Since his retirement from the bench he has made a major contribution to the teaching of law at Oxford University. His recent collection of essays on the history of English public law, *Lions under the Throne*, is a *tour de force*, and should be required reading for every student of the English common law. He has written much else of value, outside his judgments. He exemplifies the truth expressed by Sir Walter Scott: "a lawyer without history or literature is a mechanic, a mere working mason; if he possesses some knowledge of these, he may venture to call himself an architect". Sir Stephen Sedley has been an architect of the common law.

But beyond all that, he is a good friend and a good companion, and combines a private gentleness with a public strength. He is rightly celebrated today.