

Lord Mayor's Banquet 2019: David Gauke's speech

My Lord Mayor, Lord Chief Justice, ladies and gentlemen.

I would like to begin by thanking you, Lord Mayor, for your hospitality and the invitation to address such a distinguished group of colleagues tonight.

When I spoke at this event last year, I did so as a relatively new Lord Chancellor... though by contrast with my immediate predecessors, I am now something of a veteran!

Indeed, I am the first Lord Chancellor in a while to have served long enough to deliver two of these speeches. It is true that my predecessor but two, Michael Gove, made it to his second speech but he left the Government one week later when a new Prime Minister, with whom he did not see eye to eye, took office. How times have changed. I might only have three weeks.

Last year I talked about the importance of the Rule of Law as the 'bedrock of our democracy'. I made the argument that the principles it encompasses – equality under the law; access to justice; government being subject to the same law as anyone else; and a framework of law that is clear and certain – underpin and protect so many aspects of our way of life, from the liberty and rights of the individual to the strength of our economy.

In a changing and uncertain world, they are principles that act as an anchor for us.

When I took my oath of office, I committed to uphold the Rule of Law and to defend your independence as the judicial branch of the State. The link between those two is inextricable, because the Rule of Law cannot exist without you as its custodians. It is an oath I have taken seriously.

I would like to express my gratitude to judges at all levels and in all jurisdictions for the work you do throughout the year – under huge scrutiny, constantly challenged by complexity – making decisions that affect the lives of so many people, and for doing so in the pursuit of the proud principles of our modern democracy.

Whether it is by design or a by-product of a shift in our national debate, I think many of those principles are being put at risk and so too are the institutions that exist to protect them.

There is no doubt in my mind that the forces of populism are much stronger in this country and internationally than has been the case for some time. A willingness by politicians to say what they think the public want to hear, and a willingness by large parts of the public to believe what they are told by populist politicians, has led to a deterioration in our public discourse. This has contributed to a growing distrust of our institutions – whether that be Parliament, the civil service, the mainstream media or the judiciary.

A dangerous gulf between the people and the institutions that serve them has emerged. But the reality is that these institutions – including the legal system and the judiciary – offer us the kind of confidence and predictability that underpins our success as a society.

Our institutions have evolved over time to reflect the changing needs of our society. And that has not stopped. Our institutions are strong and effective because they continue to change organically as society demands, but not immediately in knee-jerk reactions to events in the news. Change comes with urgency sometimes, but must always be approached in a considered way to avoid negative unintended consequences.

Thus, our institutions have become guardians of our democratic ideals. They ensure that the right checks and balances exist for us and they promote the inherent sense of fairness that exists in our country. They do not work against the people, they share power in the best interests of everyone.

That view – that our institutions are not perfect, they must change to reflect society but they are beneficial and essential to our way of life – is under attack. Rather than recognising the challenges of a fast-changing society require sometimes complex responses, that we live in a world of trade-offs, that easy answers are usually false answers, we have seen the rise of the simplifiers. Those grappling with complex problems are not viewed as public servants but as engaged in a conspiracy to seek to frustrate the will of the public. They are 'enemies of the people'.

In deploying this sort of language, we go to war with truth; we pour poison into our national conversation. But language really matters in our discourse. All of us in public life have a responsibility to use language with care and respect. Arguments that are too simplistic and partial simply allow scepticism to creep in when the full picture does inevitably become clear.

We must all have the courage to disagree on the facts and the good sense to appreciate that language can have powerful effects. That is why I deprecate the careless use of language which can undermine our admired and renowned institutions.

The confidence that is rightly placed in you is done so by virtue of your years of training and experience. Our judiciary has a reputation for intellectual rigour, careful consideration of the arguments, and a serious-minded determination to each decision based on what is right and not necessarily what is superficially popular. I am not sure that all politicians have the same reputation.

But politics should be about finding and embracing practical solutions to society's problems, and to do that based on dealing with the world as we find it, not as we imagine or represent it to be.

We must face facts. I have made that my guiding principle in office.

We have looked across the entire prison system to understand the complex problems and put a renewed focus on rehabilitation, alongside the obvious

need to tackle violence, self-harm and drugs.

We have carefully examined our probation system and begun an ambitious but practical process of reform.

We are following the evidence on reoffending to look at reforming short sentences and working across the criminal justice system and with Health and other departments to turn offenders' lives around and protect the public from crime.

We must...

Make decency, humanity and a focus on skills and real work make prisons launching pads for rehabilitation...

Make our courts system modern and accessible to all people...

Ensure that court users – whether victims, defendants or witnesses – are appropriately supported throughout the process...

Face the reality of modern society and allow couples in a marriage or civil partnership to legally end their relationship and move forward with their lives without the need to demonstrate that one of them is at fault...

And ensure that our common law system continues to lead the world because it puts itself at the heart of the revolution in LawTech.

Today's world is undoubtedly changing. But the Rule of Law and our institutions, including the independent judiciary, are assets that we must cherish, even as they evolve.

Of course, we must always work to maintain that trust and confidence in our institutions. We must act with integrity, for the public good, and hold ourselves to the highest standards. But we cannot be passive. We must stand up for truth; for institutions that work in the interests of the people, not against them; for honest, respectful public debate that lays out all the options and all the consequences.

And we must reject the idea that experience and evidence mean nothing. If we fail to do so then we will end up applying hopeless solutions to imagined problems. What we need is to relentlessly focus on reality and pragmatic change that really gets results.

That is what I will continue to stand for both in my role as Lord Chancellor and after. Ministers and governments may change but our belief in the Rule of Law and the necessity to seek the truth must endure.

Ladies and Gentlemen, thank you for listening. I would like to invite you to rise for a toast to the health of our kind and generous hosts this evening... to the Lord Mayor and Lady Mayoress.