

Official Speech
Honorary Degree, Honoris Causa
Recipient : Lady Hale

15th of March 2024

Monsieur le Recteur,
Monsieur le Recteur délégué,
Monsieur le Président,
Chèr.e.s Collègues,
Chères étudiantes, chers étudiants

Dear Lady Hale,

Ten minutes is certainly not enough time to pay tribute to your exceptional career. It would be too long to describe it in detail and the Dean reminded us how rich it is. Your contribution to the rule of law, your fight against all discrimination, particularly against women, and your European convictions are well known over the world. Anyone who wants to understand your fascinating professional life can read your enriching autobiography¹.

Beyond your influence and your role in the Anglo-Saxon legal world, there are other genuine reasons why the University Jean-Monnet of Saint-Etienne and its Faculty of Law wish to award you an Honorary doctorate. First of all, we are, for now, the only French University to pay tribute to your work with this prestigious reward. At first sight, seems surprising. Indeed, you are probably the most, if not only, UK Supreme justice known in France after the famous *Miller 2* case in 2019². In an interview to the *Guardian* newspaper, you said that it would be your “Desert Island Judgments”³. In their unanimous decision, the eleven Justices of the Supreme Court you presided over held that the sovereignty of Parliament is undermines “as the foundational principle of our constitution” when the executive “through the use of the prerogative”, prevents “Parliament from exercising its legislative authority for as long as it pleased.”⁴ With this judgement, the court protected the core principles which the British Constitution shares with most of the Western

¹ *Spidervoman*, London, Penguin Books, 2022, 288 p/

² R (*Miller & others*) v *The Prime minister; Cherry and others v Advocate General for Scotland* [2019] UKSC 41 (*Miller 2*).

³ S. Hattenstone, Lady Hale: “My Desert Island Judgments? Number one would probably be the prorogation case”, *The Guardian*, 11 January 2020.

⁴ R (*Miller & others*) v *The Prime minister; Cherry and others v Advocate General for Scotland* [2019] UKSC 41 (*Miller 2*), § 42.

democracies: the balance of powers and the rule of law. After *Miller 2*, the French newspaper *Le Monde* said of you that you were “the epitome of the British democracy”⁵.

Furthermore, it’s also high time that a French University and a French faculty of Law paid tribute to you because our two countries share a common legal heritage beyond their historical disagreements (or sporting disagreements which I must mention on the eve of the “Crunch” of the 6th-nations tournament). England and France are the first modern States in Europe; Britain and France were the two pillars of the construction of a modern conception of Human Rights (the German influence was later); Britain and France, together with Germany, were the nucleus of the Enlightenment in the 18th century that had such an important influence on the edification of our constitutions and democracies; and today, Britain and France continue to have a “special relationship” despite the Brexit. In contemporary history, our “entente cordiale” which celebrates its 120 years next month⁶, could have resulted in a political union at the outbreak of the Second World War II. The personality who was deeply convinced by the relevance of this project was Jean-Monnet⁷. So, this is a happy coincidence that the first French University to award you a *Doctorate Honoris Causa*, a British citizen, is named “Jean-Monnet”. And it is also the occasion to remind us of your deep faith in the European project.

This common conviction you share with our University and our Faculty of Law is not the only motive why there is a deep connection between you and our institution. All your life, you have fought against the old and lingering idea that personal destiny is determined by social origin or gender. Your career shows that nothing is ineluctable. In England, to be a woman and hope to hold the most important judicial posts in the Kingdom is a real challenge. What’s more, you come from a middle-class family who lived in the North of England, in Yorkshire, that shares many historical features with Saint-Etienne, such as their economic past dominated by coal and textile industries. For all these reasons, when you began your judicial career, your profile could be perceived as an “exotic” one, even though you studied at Girton College, Cambridge. Your life journey has paved the way for a more open judiciary. The recent appointment of Sue Carr as the first Lady Chief Justice of England and Wales is the last example of a progress you initiated. Your deep belief in hard work, in the force of a good education, in social justice, in the importance of culture, and your open-minded convictions are the keys of your achievement.

It’s exactly these humanistic values we want to pass on to our students in France where social mobility is increasingly hampered and where the domination of a kind of “elite” understates the wealth of the rest of the country. Our faith in the public service, in our students and the strong belief that intelligence is not determined by gender or social background helps to break this social determinism in a Faculty of law where a significant proportion of our students are women or come from ethnic and social minorities. Beyond this context, Saint-Etienne has often been a leader of social progress over the years. A native of Saint-Etienne and member of the French National Assembly, Lucien Neuwirth, was behind the Act that decriminalized women contraception in 1967⁸. And the UK played a fundamental part in his awareness: his knowledge of free contraception

⁵ C. Ducourtieux, « Brexit : Lady Hale s’est imposée comme l’incarnation de la démocratie britannique », *Le Monde*, 25 September 2019.

⁶ In the contemporary area, the first friendship treaty signed between the UK and France was the Quadruple Alliance Treaty on 22 April 1834. The first bilateral treaties were signed in 1904. These treaties are considered as the second entente cordiale and the most important one.

⁷ See E. du Réau, « Jean Monnet, le Comité de coordination économique franco-britannique et le projet d’Union franco-britannique : les moyens de vaincre le nazisme (septembre 1939-juin 1940) » in G. Bossuat, A. Wilkens (ed.), *Jean Monnet. L’Europe et les chemins de la paix*, 1999, Paris, Éd. de la Sorbonne, p. 77. See also J. Monnet, *Mémoires*, Paris, Fayard, coll. Pluriel, reed. 2022, 664 p.

⁸ *Loi n° 67-1176 du 28 décembre 1967 relative à la régulation des naissances et abrogeant les articles L. 648 et L. 649 du code de la santé publique*, JORF 29 December 1967.

came from a trip in London in 1944 where he had a love affair in Hyde Park with an Irish girl from the Women's Army Corps...⁹

As you can see, dear Lady Hale, there are deep connections between Saint-Etienne and your country, your life, your commitments and your moral convictions.

Without a doubt, you are a something of heroine. Your taste for brooches in the shape of spider or insects justifies your nickname of "Spider woman". In a more "rock 'n' roll" vein, British journalists also celebrate you as the "Beyoncé of Law". You are the star of a Children's book whose title is "*Equal To Everything*", the motto on your coat of arms as Baroness of Richmond. If you are a heroine of law for us all and one of the most committed public figures against discriminations in the UK, you are above all an inspiration for little girls who want to build a better world. The world needs resolute women like you, determined to influence the public debate. As a member of an institution staunchly committed to social progress, as a teacher, as an academic, as a father of three daughters, I just want to conclude by two simple words: thank you.

Aurélien ANTOINE
Professor of Law
Holder of the chair of Comparative Public law and politics

⁹ C. Dupond-Monod, « L'homme par qui la pilule vint aux femmes », *L'Histoire*, 2007, n° 318.