

Judicial 'diversity' and consistent judgements

The interesting article by Glenna Robson (p. 408 *ante*) contained reminders of two questionable Government initiatives.

The first was the growing use of cheap populist language in statements about the law. I winced on being reminded of the following crass DCA pronouncement:

"The law needs to be done. But the way we do law needs to change. We need to do law – but we need to do it differently."

The second point concerns the way we "do" law when arriving at legal judgments. Glenna Robson reminded us that the Government wants to "widen the pool from which [judicial] appointments are made" so that judges are "responsive to the communities they serve". This sounds all right, but conceals a major constitutional question so far unconsidered.

The common law, with the legal policy that underlies it and governs British judicial decisions, is based on Christian morality. If the drive for "diversity" populates the bench with persons of other faiths, or no faith at all, how can our unified legal philosophy survive?

It would be regrettable if the way a case was decided came to depend on the accidental composition of the bench that happened to try it.

FRANCIS BENNION