ALTERNATIVE VISIONS OF LEGAL BIOGRAPHY:  
AN ABSTRACT

Biography is booming. Shakespeare, Pepys, Jane Austen, Steve Jobs and Billy Conolly, for example, have all been the subject of recent biographies that have sold millions, as have celebrity biographies and autobiographies.

While political biographies are not in same league sales-wise, they remain popular. Artists, philosophers, historians and even economists, from Bagehot and Beveridge to Warhol and Wittgenstein, have all attracted a steady stream of high quality biographies, that have impacted on both academic and lay consciousness.

At first blush, the contrast with legal biography in Britain is striking. The once popular biographies of illustrious lawyers and judges, typified by Marjoribanks biography of Marshall Hall and Lewis' biographies of Lords Atkin and Hailsham, appear to be in decline. Apparently they are selling less, and certainly fewer are published today than in the previous two hundred years. Perhaps contemporary lawyers and judges are less colourful, lack the popular notoriety and have become more narrowly professional than their counterparts of yore? Perhaps they have been eclipsed by a different notion of “celebrity”, publication and the media?

One could also point to the invidious comparison between the quantity and quality of legal biography in, say, contemporary Canada and the USA relative to Britain. While the best of legal life writing harnesses historical empathy with a commitment to the careful and conscious scrutiny of the past, the worst tends towards hagiography.

However, change is in the air. High-quality British academic legal biography, pioneered by Heuston and Stevens in the 1960’s and ‘70’s, has grown and established a small, marginal, but discernible niche in the world of scholarship,

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1 Margaret Thatcher, Mao, Indira Gandhi, Churchill, Harold Wilson and the Queen are just some of those who are the subject of recent best-selling biographies.


albeit, a precarious one⁴. Work illustrative of this biographical turn includes Auchmuty on Gwyneth Bebb, Beatson and Zimmermann on German-speaking émigré lawyers in twentieth century Britain, Dukes on Kahn-Freund, Duxbury on Pollock, Lacey on Hart, Parry on Hughes Parry and Prest on Blackstone⁵.

Institutional initiatives at LSE⁶ and Cambridge⁷, for example, also indicate that a struggle is under way to sustain legal biography in Britain as never before. Thus, we may be witnessing a turning point, although only time will tell.

To date, the bulk of legal biographies have focused on the lives of the elite; most often white, male judges⁸. Court officials, women⁹ and other “outsiders”, litigants, the diverse audiences of the law beyond the judiciary and lawyers, legal communications and legal objects¹⁰ have tended to receive short shrift. While the history of law firms

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⁶ [http://www.lse.ac.uk/collections/law/projects/legalbiog/lbp.htm](http://www.lse.ac.uk/collections/law/projects/legalbiog/lbp.htm)

⁷ [http://www.squire.law.cam.ac.uk/eminent_scholars/](http://www.squire.law.cam.ac.uk/eminent_scholars/)


has added considerably to our understanding of legal practice, and the inter-play between the public sphere and the private sphere in legal life\textsuperscript{11}, the impact of these histories has been largely confined to the realm of business history. Echoing legal history in general, the approaches adopted, and the source material utilised, by legal biography, fetishize texts. Approaches and sources tend to be less diverse than the best of contemporary life writing. Important sources – such as autobiography, obituaries and eulogies, advertisements, oral history\textsuperscript{12}, visual material\textsuperscript{13} and objects


\textsuperscript{12} Cf. David Sugarman, “In His Own Voice: H.L.A. Hart in Conversation with David Sugarman”. Online blog published by Oxford University Press to accompany the publication of the online audio interview, “Hart Interviewed: H.L.A. Hart in Conversation with David Sugarman”. The interview is broken down into nine parts, available for streaming and download


http://www.oup.co.uk/academic/law/hart/

The interview is also accessible via the YouTube playlist.


The text of most of the interview was originally published as “Hart Interviewed: H.L.A. Hart in Conversation with David Sugarman” (2005) 32 \textit{Journal of Law and Society} 267-293.

– are frequently neglected\textsuperscript{14}. The physical and sensory textures of everyday legal life\textsuperscript{15} receive scant attention. Consequently, legal biography has been largely cut-off from, and seen as irrelevant to, intellectual, social and pictorial history, and the “humanities turn” in socio-legal scholarship\textsuperscript{16}.

Like all historical writing, legal biography is an epistemologically problematic endeavour. While some biographical source material will be readily available, other material may be fragmentary, elusive, scattered and unreliable. Legal life writing takes us into a realm of evidential and interpretative uncertainty normally beyond the comfort zones of those trained in the certainties of lawyers. The connections, if any, between source material and legal lives, are invariably complex and contradictory, and usually open to a welter of interpretations.

Moreover, legal biography may not be good for your academic career. At its best, legal life writing is labour-intensive and, therefore, expensive, like works of outright history. It fits ill within the current regime for assessing the quality of research at UK educational institutions.\textsuperscript{17}


\textsuperscript{14} Gwynedd Parry’s valuable discussion of legal biography neglects these sources; he dismisses autobiography, for example, but with no reasoned argument to support this exclusion: R. Gwynedd Parry, "Is legal biography really legal scholarship?" (2010) 30 \textit{Legal Studies} 208-229, 209.


\textsuperscript{17} This is likely to be the case for UK based scholars given the Research Excellence Framework (REF), the new system for assessing the quality of research at UK educational institutions and the role of ‘impact’ in assessing research excellence: see http://www.ref.ac.uk/. See, generally, Peter Scott, "Why research assessment is out of control", \textit{The Guardian}, 4 November 2013.
Despite its undoubted difficulties, legal life writing provides a vital resource for understanding the ideas and culture of the legal community, and their place within the wider world. In the paper of which this is an abstract I consider why the acceptance of legal life writing has been belated and contested. I also suggest ways of expanding the repertoire of legal biography and, therefore, socio-legal scholarship. I provide insights into “what legal biography adds?” My objective is to support a perspective in the making: a broader, more pluralistic, conception of life writing that transcends the traditional stark dualisms between internal and external legal history, and top-down and bottom-up approaches. I also hope to stimulate the interest of, and engagement with, socio-legal studies (especially those associated with the humanities-turn in socio-legal studies), the law in society movement, as well as the human sciences and even lay audiences.

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