

SPEECH TO STUDENTS OF THE EUGENE DUPUCH LAW SCHOOL

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“IS THE LAW A JEALOUS MISTRESS- OR PARTNER?”

Madame principal, other Faculty, staff, ladies and gentlemen, esteemed students, Good Morning:

Thank you for joining me today for what I hope will be an engaging and enlightening discussion on a topic that has been a recurring theme in the field of Law, namely: “the Law as a Jealous Mistress”.

Inexorably, our lives are more than just inhaling and exhaling air, we have an ability to make choices, and one of the important choices we make is to live a life of content and of veritable satisfaction. Apart from finding a compatible life-partner, having a family, and making loving and long-lasting bonds with our friends and family, choosing a suitable profession also fits within that purview .

Inevitably, when we choose the Law as a profession, we willingly embrace the complexities and challenges that come with it, and the concept of the Law as a Jealous Mistress is one of them. This eloquent but provocative metaphor(aphorism) has echoed through the annals of legal history, and has exercised the minds of countless legal scholars, for hundreds of years.

In its essence, it portrays and encapsulates the unique demands and commitments required of those who choose to pursue a career in Law.

Indeed, from the first day of law school, the day of graduation, the day of Call, the first job, the first meeting with the first client, the message, whether conscious or subliminal, is that the Law demands unwavering commitment and dedication at the expense of other pursuits and relationships, much like a jealous lover who insists on being the center of attention, all the time.

To be sure, the metaphor has taken various forms throughout history, and so let us explore its historical roots and what it means to have the Law as a Jealous Mistress.

The metaphor is believed to have been coined by Lord Justice Maule in the 19th century who is reported to have said: “ The law like a tavern, is a jealous mistress, and requires a long apprenticeship before she yields her favor.”

However, it is also attributed to various other persons including, an obscure lawyer, who is said to have invented it as an excuse not to have to escort his wife to a concert; it is attributed to Daniel Webster, the American lawyer and statesman; to Sir William Blackstone, the great English jurist; and even to Lords Mansfield, and Denning.

Yet, the fullest depiction of the aphorism I have read is attributed to US Supreme Court Justice, Joseph Storey, speaking to Harvard law students in 1829, and I quote: *“The student therefore should at his first entrance upon the study of law, weigh well the difficulties of his tasks, not merely to guard himself against despondency on account of expectations too sanguinely indulged, but also to stimulate his zeal by a proper estimate of the value of perseverance. He who has learned to survey the labor without dismay has achieved half the victory. I will not say with Lord Hale, that the Law will admit of no rival, and nothing to go even with it; but I will say, that it is a jealous mistress, and requires a long and constant courtship. It is not to be won by trifling favors, but by lavish homage”.*

There is no naysaying that the intemperate use of this metaphor through generations, has gained it such loftiness and majesty, that it is still the controlling influence in the lives of many law students, lawyers, law professors, judges, and jurists, as the gold post for the study and practice of the Law.

It is undeniable that the Law can be all-consuming, all-encompassing, requiring constant and unwavering dedication, perseverance, passion, and an unyielding commitment to justice, and that despite our dedication and commitment to the law, meeting its demands can be a daunting task.

Inevitably, during our legal journey, we will encounter frustration, exhaustion and even disillusionment by the demands of legal study and practice, but be assured, these experiences are not unique to our profession, and are common to any demanding relationship; and just as a jealous lover can be demanding, the law can also push us to our limits.

It is in these moments when we must dig deep, take some time to exhale, reconsider our approach to responding to the demands of the Law, and then rededicate ourselves with a changed perspective, if necessary, to what we know is a worthy pursuit. Indeed, our work as lawyers, perhaps like no other profession, impacts people in the most profound ways, and that purpose can, despite the challenges, be deeply fulfilling.

However, I am compelled to say that while the metaphor that the “Law is a jealous Mistress” is still intemperately used, it is not now universally accepted or supported as the gold post for the study and practice of the law, because it is said that it romanticizes the profession and reinforces unhealthy work-life imbalance.

Interestingly, the concept that the law is a Jealous Mistress is rooted in the historical perception of the profession, and birthed in an era when the field of law was largely male-dominated, and when the expectations of lawyers often required them to prioritize their careers over their personal lives.

That notwithstanding, even as early as the beginning of the twentieth century, the need for lawyers to have balance in the pursuit of their profession, was beginning to be brought into focus, and in this regard, I wish to read to you an excerpt from a humorous piece by Eugene Angert published in the Virginia Law Review, in which he lamented how the lives of lawyers had been narrowed by: *“the unquestioning adherence to that aphorism, by setting aside the temptation to mount some hobby and ride through green fields and woody lanes made musical with the song of birds and sweet with the perfume of flowers...They hungered after the fleshpots of politics and hoped the ear of listening senates to command. But they put behind them these temptations; they were faithful to the law because it had become a part of their faith that their mistress was a jealous mistress.”*

From that exposition, one appreciates his view that the pursuit of a career in law is to be preferably balanced by involvement in other pursuits, and that a career in law, ought not to require one to be shut up in the narrow chamber of the law, living a solitary life without friends, no enjoyment, with no other thought, and no other interests.

Thankfully, with the passage of time, and more women in the profession, the need for a healthier work life, and diversity of interests, is recognized, and more lawyers now appreciate that the demands of the law as a Jealous Mistress must be tempered by finding a balance which allows them to be committed and dedicated to the Law, and yet be fulfilled and happy outside of the Law.

It is worth considering, as you embark on your study of the law, how the law, far from being a jealous mistress can be an empowering partner, in providing a platform from which you can make a difference in the lives of your friends and family and, bring about positive, and meaningful, societal changes.

However, even if championing causes is not your cup of tea, as good lawyers you should nevertheless seek to develop a wider comprehension of different topics, whether it be music, poetry, philosophy, economics, history, civics, or other topics which add to your understanding of the law. You should also pursue interests which add to the serenity and enjoyment of your lives.

While the notion of the Law as a jealous mistress remains a compelling metaphor, yet I invite you as aspiring lawyers embarking on your journey, to reflect on what kind of relationship with the Law would enable you to navigate its complexity and challenges and still maintain a sense of purpose and fulfillment in both your professional and personal lives.

Essentially, the law is not inherently jealous. In its purest form it exists as a framework for justice, a means by which a society maintains order and resolves disputes. It is a tool, a system, and a set of principles, it does not have emotions, desires, or intentions, and so, you get to decide how much of yourselves you are willing to dedicate to the Law, whether as an empowering partner on an enjoyable and rewarding journey, or as a jealous mistress to whom you must give lavish homage

and slavish dedication. Remember, regret over lost time expended in any pursuit does not restore one single minute to your life. Lost time is irretrievable!

That is not to say you should fritter away your time in mindless pursuits and neglect your studies or your practice. Manage your time wisely, prioritize your work, make flexible work arrangements, and take advantage of remote work options. Pay to the Law the homage required for you to be successful, while giving yourself time to pursue other dreams and develop other relationships.

In the event you are not convinced that you cannot be successful in the Law without giving it all your time and attention, I remind you of a few notable examples in history, of lawyers, who although provoking the jealous mistress by not spending all their time with her, were nevertheless rewarded by success and fame.

Chief Justice John Marshall is one such example. In his first five years of his thirty four year stint in the US Supreme Court, he is said to have spent most of his days and nights reading literature, and a considerable length of time thereafter writing President Washington's biography, and yet no one would suggest that Marshall's alliance with literature cost him, indeed, he is considered one of the most illustrious judges ever to sit on the US Supreme Court.

Another example is Justice Joseph Story, yes, the one to whom the jealous mistress quote is attributed, and of whom it is said, paid his most ardent attention to poetry and while at the Bar, published a volume of poetry. It is said that his wavering of devotion was unvisited by any displeasure of his mistress, and that his name is nevertheless high on the scroll of fame of the American Bar, and of the US Supreme Court.

And yet another was William Pinckney, a lawyer who was said to rank first among his peers and reigned at one time as the leader of the US Bar, but was unable, like scores of lawyers we know, to resist the fascination and the pull of politics. He is said to have given to the law and politics a divided allegiance, and in his case as well, law and politics dwelt in harmony, for he returned from his stints as Congressman, Senator, and Secretary of State, back to the law free of any jealousy and without the reproach of his mistress.

To be sure, I advocate diligence in your studies and in your practice. I admonish you not to limit your reading and studying to legal textbooks and court cases, but to include other materials relating to the Law, such as "About Law" by Tony Honore"; "To Kill a Mockingbird" by Harper Lee; "Letters to a Law Student" by Nicholas McBride; "Bleak House" by Charles Dickens; "Jeremy Hutchins' Case Histories" by Thomas Grant; "Winning Arguments" by Jay Hendrichs; "The Tools of Argument, How the Best Lawyers Think, Argue and Win" by Joel Trachtman; "Lord Denning, A Life" by Iris Freeman; "Landmarks In The Law" by Lord Denning, and "Learning The Law" by Glanville Willaims.

I encourage you to be bold and confident in your ability, and not consumed by the fear of making mistakes, which prevent you from functioning effectively. Remember, you are human and to err is divine, so no matter how brilliant you are, you will make mistakes. Continue to learn from your mistakes, commit yourselves never to repeat them, as there will be many other mistakes to go around!

I remind you once again, that you have the power to shape your career and your relationship with the Law, and whether you pursue that relationship as one of mistress and lover, or as partners, pursue it with courage and conviction. In this regard, I leave you with just snippets of three of the tributes on my retirement from the Court of Appeal in 2017, only to illustrate the rewards of a partnership with the Law .

The then Attorney General said, inter alia- “ The legacy of Dame Anita Allen will be that of a career in law nobly spent and of a life nobly lived of a judge who had the rare fortune of winning the admiration of legal practitioners, fellow judges and the public whom she served with such integrity. ”.

A fellow Justice of Appeal said : “I was afforded the opportunity to witness firsthand her meticulous attention to detail... She has established a luminous path of hard work, dedication and a sense of fairness for all members of the Bench and Bar to follow.... Throughout her long legal career, Dame Anita has admirably balanced her roles as mother, wife and practitioner of the law. In all facets of her life, Dame Anita is an exemplar of noble character. She has been a true and faithful servant of the law and as she departs the Bench, she leaves behind a body of work which has done much to advance the jurisprudence of The Bahamas and of which she can be justly proud. I thank her for her collegiality, generosity and encouragement in our professional sojourn.”

Yet another colleague said in part: “Dame Allen was both as a trial judge and as President of the Court of Appeal truly a jewel in the crown of the judiciary of The Bahamas. A role model par excellence.”

I encourage you to maintain a sense of purpose in attaining your career goals, grasp the opportunity to be agents of justice, champions of the Rule of Law, and architects of a more just society, and strive to achieve balance between your professional and personal lives.

In closing, I wish for all of you the depth of satisfaction, pride, and joy I experienced from my first day as a student of the Law in 1970 through my legal sojourn to this day; and I wish you the love, companionship, and support of friends and family who believe in the beauty of your dreams, and who will encourage you to pursue every one.

Thank you for your attention, and good luck in your legal studies and in your legal careers, I expect to hear good things about all of you!
