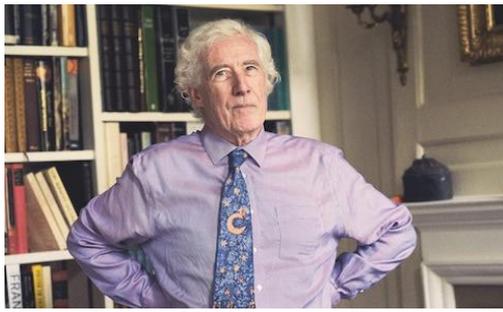


# Lord Sumption: ‘I have observed that lockdown scepticism goes with high levels of education’



The anti-lockdown campaigner and loud critic of the Government’s Covid response on why he is standing firm on his beliefs

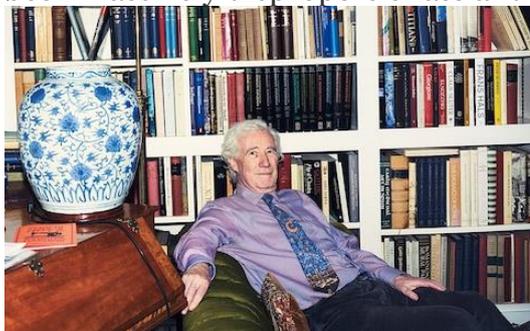
By [Philip Johnston](#) 4 June 2021 • 5:00am

Lord Sumption: dubbed one of the ‘cleverest men in Britain’ and one of the pandemic’s most prominent anti-lockdown campaigners CREDIT: Benjamin McMahon

Britain’s most controversial former judge greets me at the front door of his house, disconcertingly casual in an open-necked shirt and pullover. Only his trademark unkempt shock of now white hair – ‘he looks like the professor from Back to the Future only without the mad eyes’ said one acquaintance – is familiar.

On the Supreme Court bench, on which he sat for six years, [Jonathan Sumption](#) was always immaculately turned out, often in a tie so flamboyant that his choice of neckwear even became a talking point in the middle of the greatest constitutional hearing of modern times, the [Article 50 Brexit case of 2016](#). The Times was so moved by the garish design of one tie to suggest it could have been the work of [Salvador Dalí](#) on one of his less conventional days – while also wondering whether its owner was seeking to draw attention to himself.

Well, Lord Sumption has certainly done that in recent months, becoming the [intellectual champion of the anti-lockdowners](#) – one of the few public figures prepared to stick his neck out and articulate a case against the Government’s measures in regular newspaper columns (several in The Telegraph) and on television. His stand has drawn criticism from his former colleagues at the Bar and from those who believe the threat from Covid justified the most illiberal measures seen in peacetime. But Sumption, who began his working life as an academic, believes the response has been massively disproportionate and betrays a distinct lack of historical perspective.



Lord Sumption photographed at home in Greenwich, April 2021 CREDIT: Benjamin McMahon

‘Covid-19 is towards the upper end [the most bearable] of the kind of epidemic that humanity has had to cope with from the beginning of time,’ he says. By contrast, he argues, the various lockdowns the Government has enforced over the past year have been brutal in prohibiting the most basic of human interactions. ‘It is historically extreme and unusual,’ he adds. ‘We have never, ever done such a thing.’

We meet when the country is still under fairly stringent [lockdown rules](#). We are talking in the library of his home, a lovely plumcoloured William and Mary-era pile in Greenwich that Sumption, 72, and his wife Teresa acquired years ago, when the royal borough was still something of a backwater. Their garden commands a view down the hill to the spire of the Roman Catholic church and they are just a stone’s throw from the park with its Observatory and two of London’s greatest buildings: Inigo Jones’s neo-classical Queen’s House and the naval hospital, a baroque collaboration between Wren, Vanbrugh and Hawksmoor. Sumption loves the area and the house, which is imposing but not ostentatious, a home whose occupants enjoy the company of family and friends. Indeed, it has been the inability over the past year to do precisely that – or at least to do so lawfully – that has encouraged him to take the stand he has.

I had approached our encounter with some trepidation, given that Sumption, who speaks or reads in five or six languages, has a reputation for being the nation’s cleverest man with ‘a brain the size of a planet’ – the latter description proffered by Alastair Campbell, the former Number 10 spin

maestro who Sumption represented at the Hutton Inquiry into the Iraq War ‘dodgy dossier’. Needless to say, the government won the day.

But, fuelled by coffee and pain aux raisins (‘Jonathan’s favourite,’ says Teresa as she brings them in), our conversation is a relaxed affair. He is used to defending himself from attacks on his line of thought: that was how he made a living, after all. He has no qualms about putting himself in the public eye to argue a position that he knows to be unpopular, if the polls are to be believed, but which he believes, with the unswerving self-confidence that made him such a force at the Bar, is right.

It is a conviction that has taken Sumption into areas of the media he would usually have avoided like the plague. His one significant foray on to the airwaves before Covid was to deliver The Reith Lectures on BBC Radio Four in 2019. Now he finds himself invited on to the likes of Good Morning Britain, where he is less able to control the outcome. ‘It’s difficult to know what kind of media to appear on if you have a case that you want to make,’ he admits. Indeed, he has fallen prey to the dangers when, in one illstarred television panel appearance in January, responding to a question about the collateral damage caused by the lockdown, he ended up saying that the life of Stage 4 cancer sufferer Deborah James, 39, was less valuable than the lives of others.

‘I cocked that up,’ he concedes. ‘I expressed myself badly. I don’t think I was accurately represented but in a sense I asked for it by not choosing my words more carefully. We all have these episodes and I’m sorry that one occurred.’ In court, a skilled barrister can always manoeuvre his way out of such a sticky situation but not on television. ‘You can always take your words back before a judge but it’s much more difficult in this kind of thing,’ Sumption muses. ‘They [the TV

shows] are not there to find the truth – they’re a form of entertainment. I was ambushed and I knew I was going to be. It’s the occupational hazard of lowering yourself into the bear pit.’



Cancer patient Deborah James confronts Sumption on BBC One’s The Big Questions CREDIT: Shutterstock



CREDIT: Shutterstock

But it is a fairly benign bear. Sumption has received no threats of any kind – ‘just a small amount of virulent disagreement, a rather larger amount of polite disagreement and a surprisingly large amount of support’. It helps that he is not a denizen of the enclosed worlds of

Twitter or Facebook and can ignore the trolling that many other controversialists in the public eye must endure.

Neither has his stand caused ructions in the Sumption household – indeed far from it. His wife of 50 years (Teresa was his childhood sweetheart – the pair first met at Sumption’s sixth birthday party and married after he graduated from Oxford) shares his views, as do their three children – he has two daughters and a son. As for his friends, ‘they cover the whole spectrum from craven fear of the virus and approval of the lockdown to complete indifference coupled with strong disapproval.

A poll of those in my address book would probably show 70 per cent against Government policies, but with varying degrees of intensity. Of course, they are all people who entered my address book long before anyone had heard of Covid, so there is no selection bias. I have observed that lockdown scepticism goes with high levels of education.'

Sumption feels so strongly on the subject that he appears ready to take on all-comers in any forum. 'These (lockdown) rules are an attack on our humanity. They are an assault on everything that makes humanity spiritually valuable,' he says with feeling. 'The interaction with other human beings is completely fundamental to our existence.' Then, he adds, there was the 'attack on the entire spiritual dimension of our existence – the closure of schools, the closure of museums, theatres, churches, sports grounds. These are things without which we cannot function as human beings. And I do not think that the saving of lives is worth such a price.'

But 128,000 people have now died in the UK from or with Covid and more than three million worldwide. At the time of writing, people are dying in their thousands in India and neighbouring Nepal. Does he take an absolutist libertarian view that no mitigation measures were needed? 'No, I don't. If we were confronted with an Ebola outbreak that could possibly kill 50 per cent of those who catch it or smallpox with 30 per cent fatality then they would be warranted.' Covid, he insists, is at the more bearable end of what mankind has previously had to endure. The bubonic plague, for example, wiped out 40 per cent of the population. The Covid death rate is less than one per cent.



Sumption in his 40s, with wife Teresa

So why did we lock down? 'Essentially because other countries had done it and people started saying the solution to any problem like this is government action. If they are doing it on the other side of the Channel why aren't we doing it?' That, adds Sumption, is 'not a very impressive argument'.

Neither is he moved by the suggestion that it was difficult for the UK Government to resist the pressure for a lockdown and therefore unfair to pillory them for it. He points out that they had a plan for dealing with a pandemic but failed to stick to it. What they did not have was any strategy for a lockdown.

'If you are going to do something as drastic as this, you need to know what the consequences are likely to be – that requires serious thought, serious research and serious planning. None of these things happened,' he says. 'The dominant factor in Government policy – the entire attack on our humanity – has been guided not by "The Science" but by the desire of politicians to avoid being criticised.'

He is particularly scathing about the Prime Minister in this regard, whom he cites as ‘a classic example of someone whose prime desire is not to be criticised’, and also someone suffering from a reluctance – or inability – to study any dossier profoundly.

‘He is very vulnerable to people who are utterly confident about their position,’ Sumption observes. ‘He’s never prepared to put in the work that would make him utterly confident of his own position. In that respect he is completely different from Margaret Thatcher who always attempted to ensure she was on top of every issue she was called upon to deal with. Boris Johnson has got some of the rhetorical flair and a not dissimilar ideological position, but he simply does not have the intellectual capacity to follow it through. It’s not because he’s stupid. He clearly isn’t. It’s because he’s intellectually idle.’

He is equally scathing about Dominic Cummings, whom he describes as a ‘Putin-esque natural autocrat, incredibly dogmatic’, whose idea of good government is ‘minimal deliberation or consultation, which gives a much greater likelihood of really bad decisions. It’s extraordinary that two so different individuals, so obviously designed to rub each other up the wrong way, found themselves in a clinch. Either one on their own is disastrous, but the two together – my goodness.’

Evidently, he is not about to give anyone involved in the lockdown decision the benefit of the doubt. But adopting an adamant position is the stock in trade of the lawyer.

It was not, however, the profession he initially intended to follow. He began as an historian at Magdalen College, Oxford, where he studied after Eton. His father had been a barrister, but Sumption considered an academic career before realising it would not bring home the bacon. As he concedes in the opening chapter of his new book *Law in a Time of Crisis*, ‘I would like to be able to say I was moved to do this by a thirst for justice in an imperfect world and a conviction that this was the best way to help my fellow citizens. Actually my reasons were rather vulgar – I wanted to be able to pay the grocery bills, with perhaps a bit more left over than perhaps an academic salary could offer.’

He joined the lucrative, but notoriously technical commercial bar, was a QC by 38 and went on to command some stratospheric fees. His final case, representing [Roman Abramovich](#) against [Boris Berezovsky](#) in the ‘battle of the oligarchs’ in 2012, reputedly netted him something north of £7 million.

As his reputation grew, it wasn’t just his colleagues who were somewhat in awe of him. One QC recalls appearing in a case with Sumption: ‘Normally, the judges are on the front foot, eager to make this or that point or pick up on a flaw in the argument. But with him, the judges were on the back foot. He managed to intimidate the court, which takes some doing, especially in the Court of Appeal.’

Sumption never sought popularity and, as he looked for new challenges, he set his eye on the exalted bench of the Supreme Court. Normally, its 11 justices have got to these heights by climbing the greasy judicial pole, serving as a judge for 10 to 15 years. Sumption, however, wanted to jump straight to the top. His first effort was blocked, but his second, championed by Lord Phillips of Worth Matravers, the Supreme Court president at the time in 2012, succeeded. ‘It made him deeply unpopular,’ says one former judge, ‘especially when he delayed joining so he could finish the Abramovich/Berezovsky case and make a killing.’

Even his detractors do not deny Sumption has one of the finest legal minds of his generation. ‘He is very, very clever. There is no doubt about that,’ says a QC who is not a fan. ‘But he can be too clever by half and he is also very slippery.’ Another observed: ‘His rise to the Supreme Court ruffled a lot of feathers. No one doubted his intellect but they didn’t like him making a lot of money while they slogged it out on the bench.’



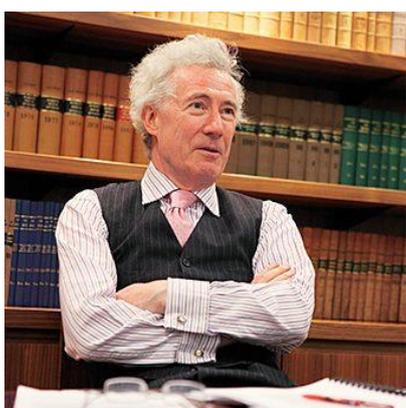
As a judge, 1986. Sumption rose through the ranks to the Supreme Court quickly, ruffling feathers along the way CREDIT: Avalon  
Some believe Sumption brought a one-sidedness to the Supreme Court bench, where he would base judgments on what he considered right and not the arguments that had been put before the hearing. Nonetheless, his reputation was high among his peers. ‘Brilliant and profound,’ said one leading QC. ‘He’s not exactly warm and cuddly but forensically he was very tough.’

It is precisely this reputation that has led many of his colleagues to question the wisdom of his campaigning against the Government’s lockdown measures. ‘Even though he is retired, people assume he is a judge and that his remarks have the authority of one,’ said one lawyer. ‘I am not sure many of his former colleagues appreciate what he is doing now.’

Characteristically, however, Sumption does not care if they do or don’t. ‘They feel that it’s not part of the decencies of the thing,’ he says.

But is there a certain narcissism at play here – as evinced by the jazzy ties? Does Sumption just crave the limelight? ‘Personally, I would prefer not to have been the leader of this particular charge. But there are some issues that are so fundamental both to our present and to our future that you have to be prepared to stand up and be counted.’

It matters not a jot to Sumption that he is a minority voice and he is entirely unfazed by the personal brickbats thrown at him over the stand he has taken. ‘It’s frustrating when people disagree as a matter of emotional instinct rather than because they think I’ve got anything in particular wrong,’ he says. ‘I don’t as a habit read the comments under articles I have written but of those I have, the hostile comments have unreal reasoning; they basically consist of abuse. I tend to think that if one’s opponents have nothing better to do than hurl abuse at you, that’s rather an encouraging sign.’



‘Personally, I would prefer not to have been the leader of this particular charge. But there are some issues that are so fundamental both to our present and to our future that you have to be prepared to stand up and be counted.’ In his Supreme Court chambers CREDIT: Alamy

Sumption rests much of his certainty on his background as a historian, which has made him extremely sceptical about the power of governments to achieve many things – even that which is achievable.

He had a brief period back in the 1970s working for the Centre for Policy Studies, the intellectual powerhouse of [Thatcherism](#). He collaborated with Sir Keith Joseph on education policy speeches and they wrote a book, *Equality*, together, a trenchant critique of egalitarianism. This was an unlikely partnership since at the time Sumption was a Labour supporter. For several years until the mid-1980s he wrote opinion page articles for *The Sunday Telegraph*; but he also voted for Tony Blair and was anti-Brexit, so he is not easy to compartmentalise politically.

As we come to the end of the lockdown phase and the country opens up, Sumption is not encouraged. He fears the encroachment of state power will never be repelled and that other issues will arise when politicians under pressure will adopt coercive measures.

'I can see climate change becoming an issue of that kind,' he says. 'Under the Civil Contingencies Act, the Government in an emergency can do absolutely anything, requiring the support of Parliament after the event which is, as we have seen, almost a foregone conclusion – particularly with a Conservative government facing a Labour opposition that has always had a taste for social control.'

Sumption wonders if things would have been different had it been a Labour government introducing these measures. 'It's very possible that the Conservatives would have been united in opposition,' he suggests.

But along with most law-abiding citizens who are unhappy with the measures, he wears a mask when required and has no problem with the vaccines, having had both shots. He is ambivalent about Covid status passports. If he had to pick between continuing the lockdowns and passports, he would plump for the latter, but says it is wrong of the Government to offer a choice between two evils, since the lesser is still evil.

As to his own future, with five grandchildren, Sumption doubtless has plenty of babysitting ahead as the country unlocks. He is looking forward to visiting the home he and Teresa own in the Dordogne once more, and sitting inside a pub.

His great love other than history is music: he is on the board of the English National Opera and on the governing body of the Royal Academy of Music and plays the piano, 'though not very well'. He has also found time over the past three decades to write a monumental and well-received history of the Hundred Years War. The fifth and final volume is nearing completion and one detects that Sumption is unsure what to do next. Perhaps write his memoirs? 'No. I don't think lawyers should do so. It's too dull,' he says. Maybe a history of plagues might be in order.

## Top Reader Comments

Colin Campbell4 Jun 2021 5:45AM

Clearly some people feel we should stay in lockdown in perpetuity, let's all stay indoors hide behind the sofa wear a mask but feel oh so safe and fulfilled.

How many people died of Covid yesterday and how many of cancer , heart attacks and every other cause of death other than covid ?

Oh and of course be paid by our children and future grandchildren to be able to live a half life.

Flag

28LikeReply

Occam's Razor4 Jun 2021 5:57AM

Maths is not an opinion. Lockdowns do not change anything except public perception of reality and the provision of a lame excuse that action was taken.

[www.covidchartsquiz.com](http://www.covidchartsquiz.com)

Apart from having no effect on the epidemiology, lockdowns of course have a massive and negative effect on the economy, social cohesion, mental health and for those with serious health issues- as we have seen cancer detections have been missed/delayed as well as a burgeoning suicide rate to deal with.

This has nothing to do with public health. Wake up.

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Ray Bradbury4 Jun 2021 5:40AM

If this man is not chosen to lead the public inquiry then we will know it's a whitewash.

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19LikeReply

Ray Bradbury4 Jun 2021 5:40AM

Sorry I meant when not if

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6LikeReply

Sophia Oppenheimer4 Jun 2021 6:08AM

One of the GOOD GUYS, Keep it up Lord Sumption and thank you.

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14LikeReply

Yung Blud4 Jun 2021 6:17AM

Boris isn't stupid... but he's intellectually idle. That explains a lot, given the Marxist behavioural change psychologists and Carries deep green agenda seems to be ruling the day, rather than actual conservative values! Sham of a government.

Flag

13LikeReply