



JUDICIARY OF
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The Welsh Language: Some Reflections on History
The Rt Hon Lord Judge, Lord Chief Justice of England and Wales

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It has been and continues to be an honour and privilege to have been Lord Chief Justice of Wales, and I shall carry the warmth of that honour into the happiest memories that old age may bring. It is an honour and privilege to be giving this lecture. I addressed the topic in the inaugural Hywel Dda Lecture at Swansea University. It is an issue of huge importance, just as important to those Welsh men and women who live in England as to those who live in Wales. Every man and woman who is Welsh is an heir to an important heritage. That is true whether you speak a single word of Welsh or not. So that, of course, is all of you. You have a responsibility to help guard it.

And underpinning my request/admonition is that notwithstanding all the discussions on devolution, all the high profile of devolution, all the education, all the teaching Welsh to children in Wales, the 2011 census reveals that in the previous 10 years in Wales the number and proportion of people aged 3 and over able to speak Welsh had declined. The proportion of those able to speak decreased from 20.8% to 19.0%. Nearly 3 quarters of the population 73.3% had no Welsh language skills in 2011, an increase from 71.6%. Please think what this means. Nearly 3 quarters of Welsh men and women and children have no Welsh language skills. That is why I have returned to this subject. In 2011 we were all bright eyed and bushy tailed about the issue: the future was saved. We now appreciate that the battle has yet to be won.

Much of the story that I am going to narrate reflects no credit, indeed reflects discredit on England, but the latest figures cannot be blamed on her.

The blame attached to England is encapsulated in the haunting words of R.S Thomas, the poet of Aberdaron, a great poet, lamenting that he could not express himself in his native language, Welsh.

“England, what have you done to make the speech?
My father used, a stranger at my lips,
An offence to the ear, a shackle on the tongue.....”

How could this be? How could this happen?

The answer to these questions involves scholarship of a depth which I do not have, and knowledge on a scale of which I am ignorant. But let me offer a few tentative thoughts on the subject, largely historic.

Let us begin at the beginning, perhaps with Thomas Hobbs in the Leviathan that:

“the general use of Speech is to transfer our Mental Discourse into Verbal; or Trayne of our Thoughts, into a Trayne of Words”.

It is systems of words, commonly shared among the group that identifies a tribe, or a community, or using modern language, a nation. We know that animals of the same kind communicate with each other, but it is only the human animal that turns the noises into distinguishable and consistent sounds. It was not until I became a grandfather that I appreciated the extraordinary facility of the human brain which put starkly comes to this. If the child in the cot or in his or her mother’s arms hears mother or father speaking English, then the sounds which will eventually emerge will be the English language; if Swahili, then Swahili; if Mandarin, then Mandarin; if Welsh, then Welsh. As I father I think I took this for granted. As a grandfather it has struck me as utterly miraculous. The acquisition of this method of communication between human beings which we take for granted is indeed a miracle.

The is not a lecture about miracles, but the starting point of a lecture on this type of topic needs to emphasis how crucial the issue of language is to the very survival of the human race, and therefore to national and tribal survivals. I could have not started

nearer the beginning than the acquisition of language by a child. Nevertheless these miraculous processes underpinned the survival of Welsh.

Let me begin at 1215. Magna Carta. We shall celebrate it in style. At least I hope we will.

I am sure you are all familiar with article 56.

“If we have deprived or dispossessed any Welsh men of lands, liberties, or anything else in England or in Wales, without the lawful judgement of their equals, these are at once to be returned to them.... English law shall apply to holdings of land in England, Welsh law to those in Wales, and the law of the Marches to those in the Marches”.

Article 57 deals with the deprivation or dispossession of Welsh people of any thing without lawful judgement, allowing a respite for their return until after a crusade was completed, but on return from crusade, or if the crusade is abandoned, the article continues

“We will at once do full justice according to the laws of Wales and the said regions”.

Welsh law – 1215, the law of Wales distinct from that of England.

Now I must move to a different starting point. Completely at random (as no doubt you will all believe) I pick 1244, 30 years later. During that year it was pointed out to the royal Justiciar visiting South Wales:

“It is not easy in our region to reward or restrain the Welsh, unless this is done by someone of their own tongue.”

The inference is inescapable. As well as Welsh law, Welsh language endemic. What else was this recording except that 800 years ago the people of Wales were speaking Welsh and that the language of Wales was readily identifiable? It was the unique and thriving tongue in which these men and women expressed themselves. To put it into

context, by now William the Marshal had already built his great castles at Chepstow, Newport, and Pembroke.

Right in the middle of the great castle building programme of Edward I, a few years later, we find a record in the Welsh Assize Roll of 1277-1284 which includes this poignant lament:

“All Christians have laws and customs in their own lands; even the Jews in England have laws among the English; we had our immutable laws and customs in our land until the English took them away after the last war”.

I hope no one here will misunderstand me when I say that the reference to the Jews must have been entirely deliberate. In medieval Christian communities Jews were treated appallingly. So the reference to Jews was deliberate: what this meant was that we in Wales were being treated even worse than that. Magna Carta or not, we have been robbed of our own law and customs, laws among others of Hywel Dda.

In the wake of the great castles of North Wales, there is one further significant feature to notice. Perhaps inevitably, it was not just castles. There was in addition settlement by what we should describe as colonists. It was not a coincidence that in 1284 charters were granted to a large number of towns, including Flint, Rhuddlan, Conwy, Caenarfon, Criccieth and Harlech, and in the calendar of ancient petitions we had a protest from the colonists

“That so many Welsh are lodged near the town on the outside that they disturb the profit and market of the English”.

That complaint came from Rhuddlan. So the castles themselves, intimidating though they were, were attracting communities of men and women from Wales, no doubt looking for work, and food, speaking their own established Welsh language.

But, and this is an important but, when we are looking back at medieval times, in the context of language, we must pause and understand the medieval world. At this date in England society was multi-lingual. French was still the language of the nobility

and the aristocracy. Men spoke and on occasions wrote in French to demonstrate their high status and education. The language of the Court was French or Norman French. There had been no Shakespeare: no Authorised Version of the Bible; the concept of national identity in England was far from secure. What we can discern are trends.

In 1295 Edward I declared that it was the intention of the French intending to invade, to eliminate English, a piece of propaganda revived by his grandson Edward III. But what was English?

Despite its Latin title, *Cursor Mundi*, was written in English in about 1300. It demanded that each country should have its own language. Plainly that would apply to Wales. In 1323 a defendant to a charge of theft, claiming to be a cleric, refused to answer save in English. He was asked if he knew how to speak in Latin or in French. He said that he was English, and English born. And therefore he would speak in his mother tongue and refused to speak anything but English. The end result was that he was treated as not entering any plea at all and visited with that terror, *peine forte et dure*, with a sharp stone pushed under his back, and then a surface placed on top of him and then weights put on until his ribs burst and the breath was crushed out of him. This heroic martyr helps to underline that the issue of language is not some quirky product of a modern pressure group. It would matter, it does matter to men and women of every nation.

Next I come to a statute, this time written in French, but using its English title, the *Pleadings in English Act of 1362*.

This declared its purpose.

“(2)...the said laws and customs that rather shall be perceived and known, and better understood in the tongue used in the said realm, and by so much every man on the said realm may the better govern themselves without offending of the law, and better keep, safe, and defend his heritage and possessions:”

And the remedy:

“(3) And in diverse regions and countries, where the King, the nobles, and others of the said realm have been, good governance and full right is done to every

person, because that their laws and customs be learned and used in the tongue of that country”.

So there it was, statutory recognition in Parliament of the importance that the laws and usages of the community should be properly understood by the members of the community, and that the language used to enforce the laws and customs should be the language used by the members of the community itself. The ideal was noble. There was no great rush to enforce it in England, but English was developing at great speed, and the French and Latin and old Anglo Saxon components were gradually moulding together. English was in Robert Burchfield’s delectable phrase, a language of “amazing hospitality” – and so it remains, constantly developing, constantly taking new words in from all cultures, and at the same time establishing itself across the world. I shall return to this consideration at the end of the lecture.

But again, going back to the fourteenth century, none of this was clear. Indeed for the “establishment” in England it can be argued that the use of the local or native language was regarded as something of a threat. For example, at the turn of the 14th and 15th centuries, it was declared that the sacrament of the Mass was not to be discussed in the vernacular, and as for the Bible in English, that did not come up for discussion, save in the sense that monks and scholars were allowed to use it if authorised. Wycliffe’s Bible in English was not welcome. In England the language of dissent was English.

Throughout this period, Welsh, as far as I can see, continued to flourish. There was no reason why the language should not have continued to be used and to develop in Wales. According to Miri Rubin, even the English marcher lords “developed a great liking for the sounds and generic diversity of Welsh poetry; for the Welsh cywyddau...for the elegy or the ode”. She quotes, and I do, Ieuan llwyd ab Ieuan’s elegy for his beloved wife Angharad on her death

“A fitting pain, a shower of tears wets me,
My cheek is sallow and withered by languishing grief;
...sad work for the sight, the long enforced weeping;
Woeful work of longing, the memory of Angharad.”

The quotation is, as you have heard, in English. Someone will one day recite to me how it sounds in Welsh. A poem of haunting beauty, written long before the poetry of Wyatt or Howard or William Shakespeare, evidence that the language of Wales was thriving, and vivid, and perhaps in one word, communicative. And there was no reason why it should not have continued to thrive.

Until we come to the Tudors. The Tudors. A Welsh monarch on the throne. His son half Welsh. All should have been well.

The Laws in Wales Act of 1535, sometimes called the Act of Union, was the main provision directly connected with Wales enacted by the Reformation Parliament, one of the most momentous in our history. It asserted that the “imperial crown” of England, “incorporated and united and annexed Wales” into the “Realm of England”. In passing, note that the same language was used in the statute which was to govern religion, the Act in Restraint of Appeals a year or two earlier, which declared that “this England is an Empire”. Henry VIII had some grand ideas – on the Continent foreigners tended to believe that all Englishmen had tails and were usually drunk.

Now to the justification, or explanation for the Law of Wales Act:

“The People of the same Dominion have and do daily use a speech nothing like, nor consonant to the natural Mother Tongue used within this Realm”.

Of course, with typical Tudor hypocrisy, and you will gradually discern that I am not a great admirer of loveable, bluff, old Henry VIII with his six wives, it was true that Welsh was not a speech used in England. But it was used in Wales. There it was the natural Mother tongue. And so, having unified Wales to England, the statute went on to provide:

“That from henceforth no Person or Persons that use the Welsh Speech or Language shall have or enjoy any Manner Office or Fees within this Realm of England, Wales or other the King’s dominions. Upon pain of forfeiting the said office or fees, unless he or they use the English speech or tongue”.

So either you spoke English, or you were excluded from public life in your own country, or any office, including judicial office: you would not advance in the world. Yet who in the end does not hope for some improvement in his life, for greater opportunities for his children? In Wales it all seemed to depend on the abandonment of the use of language which, if Welsh, you learn to articulate when your mother and father spoke to you when you were a baby.. It was an “outrage”. That was the word I used in my own judgment in *Williams v Cowell* in July 1999. To my mind it was made worse by the utter hypocrisy of the further statutory requirement that in courts in Wales, and contrary to the provisions of the 1362 Act, Welsh people were prohibited from using their own language. What had happened to the principle established nearly 200 years earlier in the 1362 Act?

The reality is that the later half of the reign of Henry VIII was filled with outrages. He was, after all, the Supreme Head of the Church, and believed himself to be God’s lieutenant on Earth. And so, as with every tyrant, his personal wishes coincided with those of the Almighty. It is a shattering potion. The dissolution of the monasteries – not the reform of monasteries which were sick, or corrupt, or venal, or crammed with immorality – which had begun in Cardinal Wolsey’s time – but the complete dissolution of centuries old places of worship, and assistance, and education, and learning was but one huge act of criminal damage. All that I am getting at is encapsulated in the exercise in terrorism which followed his personal promise – the King’s personal promise – the promise of God’s anointed - to Robert Aske that when those who joined the Pilgrimage of Grace dispersed, they would be pardoned, and he would hold Parliament at York with “free election of knights and burgesses” is summarised in his letter to the Duke of Norfolk:

“You shall, in any wise, call such dreadful execution to be done upon a good number of the inhabitants of every town, village, and hamlet, that have offended in this rebellion, as well as by the hanging of them up on tress as by the quartering of them... as they be a fearful spectacle of all other hereafter...”

And not long afterwards the Statute of Proclamations enacted what we now, with disparagement, describe as Henry VIII clauses, granting powers to the King, in effect,

without parliamentary approval. Rule by executive regulation: this remains a pernicious danger to the rule of law, and in recent years the habit has revived. We should be very watchful.

Wales was not alone in its suffering at the hands of this Tudor King. Indeed Magna Carta was not imprinted on his soul. I do not offer these observations in order to imply that the Laws in Wales Act was less than an outrage. That is what it was. But it was one outrage, among a number of other outrages. And it is my belief that this single Act of Parliament, and its consequences, was ultimately more damaging to the language of Wales, and its use in Wales, than the more dramatic, attention seeking castles of the Plantagenet Kings.

To reinforce this thought, we should remember that this was a time of wide political and religious ferment. All over Europe the Bible was translated into the vernacular, with printing presses churning out numerous copies of it to be read by people familiar with their own language. In the reign of Elizabeth I the right to read the bible in English was firmly established, and no less important, she authorised the publication of the Bible in Welsh in 1588, to join the Welsh translation of the Prayer Book in the churches of Wales. Again, the inference is plain. In Wales, when the Laws in Wales Act 1535 was enacted, the Welsh language was in common use. Otherwise why provide for the Bible in Welsh? Doesn't this underline the hypocrisy of the 1535 Act.

The decision that the Bible should be published in Welsh was another crucial moment. It must have contributed, in communities where the Christian religion retained its vitality, to the very survival of the Welsh language. It is not cynical, but maybe perhaps it is, that on one view this meant that it was acceptable for Welsh speakers to accumulate their treasures in Heaven, provided they did nothing which might allow them to accumulate treasure on Earth.

And the impact, very gradually, of the first 1535 Act was the destruction of the Welsh language in large parts of the country. Perhaps "destruction" is not the right word. Perhaps it was an enervating process, gradual decline by desuetude. To speak Welsh was not the way forward to advancement. Nevertheless loyalty to the Welsh language continued. So, in 1830 the absorption of the legal system of Wales into that of

England was completed when the Courts of Great Sessions of Wales were abolished altogether, and the old Assize system which had operated in England was now applied in Wales. But these courts had survived for 300 years after Henry VIII. And in 1846 the county courts in England and Wales were created, with a county court boundary system, which meant that some were entirely in Wales, and one spanned Wales and some of the English bordering counties. I think it significant that it was recognised that where possible judges who were acquainted with the Welsh language should be appointed to the county courts of Wales. It means, of course, that again it was recognised that in some parts of Wales, at any rate, the language continued in common use, and it also underlined that by the mid nineteenth century, at any rate, that whatever Henry VIII might have ordered, the Welsh language had been and was inevitably going to be used in some areas of court business.

As Professor Gwynedd Parry demonstrates in his fascinating biography of Sir David Hughes Parry Caernarvonshire remained “a fortress and a bastion for the Welsh language”. He supports his thesis by referring to the 1891 census figures which show that more than 65% of the population of Caernarfonshire spoke *only* Welsh, and only about 10% could not speak Welsh at all. Taking Wales as a whole something like 30% could speak *only* Welsh. In the small rural parishes of North Wales, it is highly probably that the entire population spoke Welsh. What is consistent with the census figures is perhaps demonstrated by the Government Report on Education in Wales published in 1847. It speaks of:

“The mockery of an English trial of a Welsh criminal by a Welsh jury, addressed by counsel and judge in English”. It was “too gross and shocking to need comment. It is nevertheless a mockery which must continue until the people are taught the English language...”

Note that the problem is attributed to the Welsh not understanding English, not the English not understanding Welsh.

In Victorian England, even early Victorian England, it does not appear to anyone to have occurred that the solution might be the repeal of the Laws in Wales Act. And that, in truth, is unsurprising. These were the years of Empire, not Henry VIII's

empire, but the British Empire, to which in all its manifestations, good as well as bad – and there were many good manifestations - people from Wales made their own contributions. To this day there are still areas in Argentina where Welsh is spoken. However whatever may have been happening in Caernarvonshire, or for that matter in Argentina, in the South, in the Valleys, Welsh was in serious decline, and indeed it was declining in the North too. There were many factors.

This remarkable decline in the use of the Welsh language coincided with the extraordinary changes in social and industrial history of the nineteenth and early half of the last century, for example, the industrial revolution, the economic disasters of the 20s and 30's, two destructive World Wars, in particular the First World War. There were more insidious changes. The use of Welsh by children in Wales was actively discouraged. By active I do not mean correction, but punishment: punishment not meted out only by teachers who were English, but by teachers who were Welsh, who honestly believed that for the children to speak Welsh would damage their chances of progress. And, of course, Welsh was not taught in schools. From now on survival depended entirely on mothers and fathers speaking Welsh to their children. By the 1971 census, by contrast with 1891, the number of Welsh speakers throughout Wales was reduced to 20% of the population, so 80% did not speak the language at all, and even in what Dr Gwynedd Parry describes as the “solid heartlands” the figure was down to 60%. The language of Wales had gone from being a language of the majority to the language of the minority. That seems to me to be a sad story.

The result is summarised in a memorandum written by a prosecuting counsel in the trial of Saunders Lewis and two others in October 1936 for arson at an RAF school on the LLeyn Peninsula. He pointed out:

“The King’s Commission is written only in English...no mention of Wales is made and in the entire ceremonial the existence of such a place as Wales is ignored.” The judge rejected the applications of three fluent Welsh speakers to address the court in Welsh. It is said that generally he was utterly contemptuous of them. The jury did not agree its verdicts. They were re-tried at the Old Bailey and convicted.

After the trial, a petition was launched at the Eisteddfod in Cardiff in August 1938. It had asserted that the statutes of Henry VIII were:

“A source of injustice and indignity to British subjects whose native language is Welsh...”

The prayer of the petitioners was for an Act of Parliament that would place “the Welsh language on a footing of equality with the English language in all proceedings connected with the administration of justice and of public services in Wales...”. Mark these words.

As ever, the terrible consequences of war produce some unanticipated results. The Nazi conquest of Europe brought many refugees to our shores. Resistance fighters from Holland and Norway and France among them. Arrangements were made for these individuals to be tried, when charged, in courts in which their own language was used. Yet this was not then available in Wales. Then in October 1942 the Welsh Courts Act 1942 repealed the language clause in the Laws of Wales Act 1535. One of my predecessors, Lord Caldecote, commented in April 1943 that Welsh was:

“...a foreign language to me and, to tell you the truth, I do not know that I feel very sympathetic to this plan for keeping alive, what, like Erse and Gaelic, is really a dying language”.

I do not think that the fact that bombs were falling in London provides any excuse: but it demonstrates that It took a huge amount of energy, and a vast amount of commitment, and dedication, and determination to halt the decline of the use of Welsh, and now to ensure its revival.

The 1942 Act did not treat Welsh as equal with English. It permitted the use of Welsh to a party or witness who believed that he would be at a disadvantage if forced to use English when his natural language of communication was Welsh. Nevertheless even in Wales not everyone agreed with this measure. For example, the Associated Law Society of Wales protested that such a measure was brought forward “in time of war”. But enacted it was.

It was in the context of subsidiary legislation prescribing forms of oaths in Welsh that this enactment was considered in *The Queen v Merthyr Tydfil Justices ex parte Jenkins* [1967] 1 All ER 636 when the Divisional Court considered the case of a schoolmaster, fluent in English, charged with driving without a licence, asserted that he would not plead to the charges until they were put to him in the Welsh language. Pleas of “not guilty” were entered. He then sought to cross-examine a police witness in Welsh, and was not allowed to do so. When he gave evidence he was allowed to give it in Welsh. He was convicted. He relied on section 1 of the 1942 Act and asked for his convictions to be quashed because he had been denied his rights.

It did not help before the Divisional Court that it was conceded – as it had to be - on his behalf that he had no defence to the charges. That is an unpromising foundation for a successful appeal. From his observations it is clear that Lord Parker, Chief Justice was not unsympathetic, but given the absence of any defence, the appeal could not be allowed. A Welsh judge, Mr Justice Glynn Jones took the same view. Mr Justice Widgery, another of my predecessors, expounded his view in the context of his experience of having spent the summer on circuit in Wales.

“It is quite clear that the proper language for the court proceedings in Wales is the English language”.

The use of Welsh impeded:

“The efficient administration of justice in Wales”.

He went on to describe the very limited rights given by the 1942 Act, and concluded that “language difficulties which arise in Wales can be dealt with by discretionary arrangements for an interpreter, precisely in the same way as language difficulties at the Central Criminal Court are dealt with when the accused is a Pole”.

So the 1942 Act had not delivered the official recognition for Welsh sought by many leading figures – but as I have underlined – by not all influential figures - in Welsh public life

In *Evans v Thomas* [1962] 3 All ER 108, a completed nomination paper for a candidate for election as a county councillor was completed in Welsh, and rejected by the county returning officer on that ground. It was not “in the prescribed form as laid down by statute”. The only other candidate was therefore elected. The petition was for that election to be declared void. Everyone involved understood and read Welsh, including the claimant, the elected candidate, and the returning officer.

The Divisional Court decided that the 1942 Act had not authorised the use of the Welsh language in a nomination paper: “It is desirable” said Winn LJ, “that it should be clearly appreciated that the court is no more concerned... with any general question of the status of Welsh as a national language than it is to animadvert on the reasons or emotions which inspired the petitioners’ refusal to employ English in their nomination paper”. I do detect in this judgment a measure of sympathy.

It is not difficult to understand why those who were campaigning for Welsh to be treated on the basis of equality were disappointed with the Act. It is only fair to the judges in these cases to indicate that a proper statutory interpretation of the Act left them with no choice. The alternative construction was not realistically available. But, even looking back to what is now the not so distant past, is it perhaps too much to have asked for at least a level of understanding of the issues, a little less sense of disparagement in the disposal of the argument? Indeed Sir David Hughes Parry was driven to dismiss Widgery J’s remarks as language which can “be fairly interpreted by lay men to carry a bias, Anglo-Saxon nineteenth century political flavour”. In short, the future Lord Chief Justice was given a “wiggling”.

And so we come to the Welsh Language Act 1967. Perhaps we should pause for a minute. There was a new judicial understanding afoot, exemplified in the quashing by the Court of Appeal of a sentence of three months’ imprisonment imposed on students from Aberystwyth who disrupted a very high profile defamation trial to register a protest in support of the Welsh language. The trial judge sent them to prison for three months. Within a week their appeal was allowed. They were released and bound over to keep the peace and to be of good behaviour. At the time of this demonstration, I had recently been called to the Bar, and I remember the case very well. It was indeed one of those demonstrations that really matter, perhaps

because the tide of history was flowing in the right direction. Notwithstanding their clear and deliberate contempt of court, Lord Denning and his colleagues were not unsympathetic.

Lord Denning pointed out:

“These young people are no ordinary criminals. There is no violence, dishonesty or vice in them. On the contrary, there was much that we should applaud. They wish to do all they can to preserve the Welsh language. Well may they be proud of it. It is the language of the Bards – of the poets and the singers – more melodious by far than our rough English tongue” (*Morris v Crown Office* [1970] 2 QB114).

Professor Parry points out that perhaps Lord Denning was drawing on his own experiences as a young officer attached to the 38th Welsh Division in France in 1918, when he was shoulder to shoulder with Welsh soldiers digging trenches under continuous shell fire. At some stage in that ghastly conflict we should perhaps remember that Lord Denning himself, then of course a much younger man than we remember him now, had been awarded the Military Cross for his personal bravery in battle.

The Welsh Language Act 1967 expanded the use of the Welsh language in courts by permitting any party or witness or other person “who desires to use it” to do so. It was no longer necessary to demonstrate need, or disadvantage, or difficulty with the use of English. The individual could choose for himself or herself. It was not what we may describe nowadays as the “full Monty” and in particular did not fully implement the principle of total equality between English and Welsh in courts in Wales. And it was not directed to wider aspects of public life. But, and this is an important but, perhaps at the time it was as far as it could realistically go. When considering an Act of Parliament, realism includes political realities, and it must be acknowledged that there were many Welsh men and women living in Wales who did not share the zeal for the Welsh language which enthused, for example, the students from Aberystwyth.

And finally for the present, we come to the Welsh Language Act 1993. This proclaims the principle that:

“In the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality...”

The principle is clear and simple. The trumpet has sounded. The “outrage” of the 1535 Act has at long last, been eradicated. All this was confirmed in the Government of Wales Act 1998, which created the National Assembly for Wales and underlined the principle that so far as “both appropriate in the circumstances and reasonably practicable”, the English and Welsh languages should be treated “on a basis of equality”.

The petition launched in Cardiff in August 1938 has been answered. At last. I have said before, and I repeat, that the judiciary applies this principle of equality. In a court in Wales, if the litigant, or the witness, wishes to use the Welsh language, then he or she has an absolute right to do so: it is not a discretion vested in the judge, it is an entitlement vested in the citizen. All documents relating to processes in court are available in both languages. Many judges who sit in Wales are fluent Welsh speakers: so are something like 250 magistrates: many more judges and magistrates have the language skills, even if not fluency. And there will be more.

Of course, this is not the end of the story. As a judge I have no better insight into the future than anyone else, and moreover, as a judge I shall not make observations about what can truly be described as political issues. The way in which Welsh will be used in Wales, and I do not merely mean its official status, but encompass its actual use in day to day transactions and for communications between citizens of Wales, is a political and social question. But for the foreseeable future, I believe that the survival of the Welsh language is assured.

But there is corollary to the truism that the future is uncertain, that “what’s to come is still unsure”, and that is that you cannot foretell the future. So we must pause at the moment of assurance and remind ourselves that Welsh must survive in an international environment in which English is, if not the dominant language, certainly one of the dominant languages of the world, and likely to remain so. In a world of new and extraordinary methods of communication that is a consideration

which should not be overlooked. I do most earnestly hope that the disappointing figures I gave you at the beginning do not presage the impact of this new world, but watch it.

How do I end this quick dash through 800 years of history? The thoughts are very simple. The language of Wales is a precious heritage. It has survived. But there is no room for relaxed smugness. Its survival is thanks to a relatively small number of people who over many centuries stood by it, probably against their own economic and social self-interest, teaching to their children. When I visit Aberdaron, as I frequently do when in holiday in North Wales, I offer a metaphorical little bow to R.S. Thomas. If the language his fathers used were ever again to become a stranger at his lips, or an offence to the ear, or a shackle on the tongue, all the effort and sacrifice made by those men and women would have been in vain. But never take the future for granted. Speaking as Lord Chief Justice of Wales, I can only urge you to safeguard your language. Safeguard it well, even if you do not speak a word of it. Guard it well.