

# The brief's history of libel, lies and lunch boxes

**T**he playwright and lawyer John Mortimer once remarked that the courtroom is like the theatre.

Everyone has their part to play. The accused's role is to say things like 'It's a fair cop, guv', the barristers must use arcane language and the judge is there to ask 'What is a T-shirt?' And it is never more like theatre than when a libel action is taking place.

David Hooper's splendid history of recent libel actions amply bears this out. Libel can provide the most dramatic entertainment - the joy of the recent action between Mohamed Al Fayed and Neil Hamilton was that you didn't care which side won, you could just sit back and laugh at both men.

The theatre of libel can also provide the most dramatic cruelty. Gillian Taylforth's action against The Sun newspaper started off with much winking and nudging over its allegations of oral sex in a



Peter Hillmore

## Reputations Under Fire by David Hooper

Little Brown £25 **£20**

\*\*\*\*\*

lay-by. But as the proceedings continued, there was something quite horrible about the way, day after day, George Carman QC silkily dissected the actress's reputation. He did his job well, putting a bad light on her every action, even mocking her desire to rush home to see her young child.

Eventually, Miss Taylforth collapsed hyperventilating on the courtroom floor, her sister screaming hysterically.

It is the libel courts, too, which allow judges to behave

most like John Mortimer demands. Hooper's book is full of examples of magisterial pomposity and other-worldliness. No one can forget the surreal summing up by Sir Bernard Caulfield at the end of the Jeffrey Archer libel case, when he told the jury that the court's vision of Mary Archer 'will probably never disappear. Has she elegance? Has she fragrance? Would she have, without the strain of this trial, radiance?'

When Elliott Brooks, the 'Spanking Colonel', brought his libel action, counsel had to explain to a baffled Mr Justice Bristow what 'goosing' was. The libel action brought by athlete Linford Christie against John McVicar is chiefly remembered for Mr Justice Popplewell's question: 'What is a lunch box?' I was in court when he asked this question and watched Popplewell barely suppress his pleasure as the court giggled. I suspect he knew it would earn him a place in legal folklore.

Hooper, a libel lawyer him-



self, points out that the roots of the law of libel go back to the 13th Century and the splendidly named statute Scandalum Magnatum (scandal of magnates). He shows people have all sorts of reasons for instituting libel actions.

Some, like Elton John, sue because their reputation has been genuinely besmirched - the singer was accused by The Sun of holding sex-and-drug orgies with young rent boys in London. He was able to prove that he was in America when the alleged parties were taking place.

Some, like Robert Maxwell, do it to shut up noisy critics - in Hooper's phrase, they indulge in 'libel terrorism'.

Lay-by loser... Gillian Taylforth, whose case failed, and her lover, Geoffrey Knights

But some, like Jonathan Aitken, are trying to steal money, pure and simple. If his case hadn't collapsed so dramatically and the jury had believed his lies, Aitken would have been awarded something in the region of £1 million in damages, tax free. In other words, he would have stolen £1 million from the defendants.

Hooper's chapter on the Aitken saga is too friendly to the plaintiff, describing his lies merely as tactical errors, but it still shows how close Aitken came to winning.