

Obituaries

Lord Goff of Chieveley

Senior law lord who was involved in the first right-to-die judgment and argued against the extradition of General Pinochet to Spain

Lord Goff of Chieveley believed that "a reasonable degree of modesty, or at least diffidence, should be part of the job specification" for a judge. This, from a man whose unrivalled legal knowledge, and rapier-sharp mind both awed and occasionally unsettled his legal contemporaries. Few were surprised when in 1996 Goff was appointed senior law lord.

Although he had a modest reputation for advocacy at the Bar, he ascended swiftly to the House of Lords after moving to the Bench, fast becoming an intellectual heavyweight on the appellate committee. While a Lord of Appeal, Goff had heard such major cases as the attorney-general's action in 1988 against the *The Observer* and *The Guardian* newspapers for publishing extracts from *Spycatcher*, the book by Peter Wright, a former MI5 officer. Goff had concluded that it was unacceptable to "artificially" restrict its readership when information in the book was already in the public domain through illicit imports circulating freely.

Arguably his most famous intervention came as one of five law lords to make the UK's first right-to-die judgment in the case of Anthony Bland, a young Liverpool FC fan who was severely brain-damaged during the Hillsborough disaster. In March 1993, Goff and his peers upheld a Court of Appeal ruling that it was lawful for doctors to disconnect the feeding tubes sustaining Bland, who was in a vegetative state.

In 1999, a year after retiring, Goff was asked to join six judges on a special panel to re-hear the appeal against extradition by General Augusto Pinochet the former Chilean dictator. Spain wanted to charge him with crimes against humanity. The case was conducted amid great publicity. The appellate committee's previous judgment had been overturned because Lord Hoffmann, one of the members of the panel, was a director of a charity connected to Amnesty International, which was party to the appeal. The reading of the final judgment was broadcast live on CNN. Six judges ruled in favour of extradition. Goff dissented.

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Whatever one's evaluation of General Pinochet, he said, international law was binding concerning the immunity from trial in foreign courts of former heads of state accused of international crimes. Pinochet was eventually released on medical grounds.

Goff's decision was not taken lightly. He habitually rewrote his judgments three or four times, and would agonise over his verdicts. Even on holiday he would set his alarm to rise for work at ten to six. An excellent pianist, he would play a movement from a Mozart sonata before starting his tasks. On days when the sounds of the piano failed to materialise, Goff's family guessed that he must be working on an exceptionally difficult case.

The son of a lieutenant-colonel, Robert Lionel Archibald Goff was born in 1926. He grew up in Hampshire, but spent many holidays at his mother's

family home in Perthshire. After leaving Eton, he was called up, joining the Scots Guards. Told that he was to be sent to the Far East, he went instead to Italy in the wake of Japan's surrender. He travelled in spartan conditions by train through the bomb-shattered cities of Germany until it eventually emerged through the Brenner Pass into Italy. Goff was amazed by the gushing waters of the River Adige and the sight of peach orchards in bloom. "I thought someone had picked me up and put me in the Garden of Eden," he said later.

On his first mission to set up a communications post, Goff took his men to see Michelangelo's *David* in Florence. Expecting that they would all know the Old Testament account of David and Goliath, he was surprised to be asked what David was holding in his hand. On being told that this was a sling, the men replied that they

had thought such things were only used in hospitals to mend broken collar bones. His wartime experience left Goff with a lifelong love of Italy's landscape, and religious frescoes. He took his bride Sarah (née Cousins) there on honeymoon, after they had been married in Dorset in 1953. They had met at a party given by mutual friends in Oxford where Sarah was studying history at St Anne's College.

Goff was a New College graduate, with a first-class degree in jurisprudence. While in Scotland after receiving his result, he received a telephone call summoning him to visit the rector of Lincoln College. Puzzled as to why, Goff later discovered that he was being offered a fellowship and work tutoring in law. He asked for half an hour to consider the proposal. The rector could not understand his hesitation. In Oxford Goff began his seminal work,

The Law of Restitution, which explores the notion of "unjust enrichment" — when one party to a contract unjustly benefits at the other's expense. He had little notion of the size of the task. The aid of Gareth Jones, a law professor at Cambridge (Obituary, June 23, 2016), was key to its publication in 1966. Lord Diplock had declared restitution to be "well-meaning sloppiness of thought". This image was changed radically by the scholarly work of Goff and Jones.

Needing a fresh challenge, Goff joined Sir Ashton Roskill's chambers in King's Bench Walk in the Temple. There, he practised commercial law: predominantly shipping, banking and insurance work. In 1967 Goff took silk. The same year his chambers merged with a neighbouring set to form what is now known as 7 King's Bench Walk. He later served on the Queen's Bench

Division of the High Court and as the judge in charge of the Commercial List.

In the meantime, he had become a father to Katharine, who later qualified as a doctor, and Thomas, who is a bloodstock agent. William died in infancy, while Juliet trained as a violinist at the Guildhall.

Goff passed on to his children his enthusiasm for music. Thomas won a music scholarship to Eton, which he attributed to paternal encouragement. Before leaving for his chambers, Goff would scrawl down pieces of opera that he had rearranged into easy-to-play music for his children. His hours increased substantially after 1982 when he was appointed to the Court of Appeal after a period chairing the Council of Legal Education, the finishing-school for the Bar finals.

Keen to advocate the unique character of common law, Goff was in demand as a lecturer abroad. In India, he was occasionally baffled by non-legal questions from lawyers keen to find out who the British rated as their finest actor following the death of Laurence Olivier. In America, he devised a mock trial putting George Washington in the dock for treason. He was an enthusiast for meetings held with Supreme Court judges in Germany at which they would discuss recent cases in both countries and how they might assist each other. Germany later awarded Goff the Order of Merit, Grand Cross, First Class for helping Britons grow in awareness of German law.



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His profile rose at home after his appointment in 1986 to the House of Lords. He also chaired the British Institute of Comparative and International Law and once posited, at a lecture in Jerusalem, the concept of "wanton recklessness" in murder cases such as those where a terrorist, having planted a bomb but issued a warning, then denied the intention of taking life.

An influential teacher of law, Goff was honorary professor of legal ethics at Birmingham university, and a fellow of the British Academy. Knighted on being appointed to the Bench, he was sworn of the Privy Council when promoted to the Court of Appeal. In 1986 he was created a life peer and lived for many years at Chieveley, in Berkshire.

Meeting Cicely Saunders, founder of the hospice movement, during the Bland case inspired Goff with a plan, never fulfilled, to write a book with a doctor about the law and requests for the right to die.

His final years were spent near Cambridge in order to be closer to his family. An arrangement of *Soave sia il Vento*, from *Così fan Tutte* devised by Goff for his children will be part of the selection of music at his funeral next month.

Always courteous and kind, Goff's quiet voice gave little hint of his brilliant legal mind. His hallmark was arguably his thoroughness. He would push for all judges on an appeal panel to submit full judgments rather than a single, leading conclusion. Such a "feast of contrasting courses", he argued, would further the evolution of the law.

Lord Goff of Chieveley, a Lord of Appeal in Ordinary, 1986-98, and Senior Law Lord, 1996-98, was born on November 12, 1926. He died on August 14, 2016, aged 89