

2007

Henry Lord Brougham - Advocating at the Edge for Human Rights

Monroe H. Freedman

Maurice A. Deane School of Law at Hofstra University

Follow this and additional works at: <http://scholarlycommons.law.hofstra.edu/hlr>



Part of the [Law Commons](#)

Recommended Citation

Freedman, Monroe H. (2007) "Henry Lord Brougham - Advocating at the Edge for Human Rights," *Hofstra Law Review*: Vol. 36: Iss. 2, Article 6.

Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol36/iss2/6>

This document is brought to you for free and open access by Scholarly Commons at Hofstra Law. It has been accepted for inclusion in Hofstra Law Review by an authorized administrator of Scholarly Commons at Hofstra Law. For more information, please contact lawcls@hofstra.edu.

HENRY LORD BROUGHAM—ADVOCATING AT THE EDGE FOR HUMAN RIGHTS

*Monroe H. Freedman**

I. INTRODUCTION

In 1858, Abraham Lincoln, who is renowned today throughout the world as the Great Emancipator, gave the following racist speech to his fellow citizens in the Lincoln-Douglas debates:

I am not, nor ever have been in favor of bringing about in any way the social and political equality of the white and black races . . . I am not nor ever have been in favor of making voters or jurors of negroes, nor of qualifying them to hold office . . . I as much as any other man am in favor of having the superior position assigned to the white race.¹

By contrast, in 1838—twenty years before that white-supremacist speech by Abraham Lincoln—Henry Lord Brougham² made this speech on the same subject to the aristocratic and prideful House of Lords:

“The slave . . . is as fit for his freedom as any English peasant, ay, or any Lord whom I now address. I demand his rights; I demand his liberty without stint. . . I demand that your brother be no longer trampled upon as your slave!”³

Although Henry Brougham is widely known among lawyers in the United States, it is neither for his extraordinary work to end slavery on an international scale, nor for his many other campaigns to advance

* Professor of Law, Hofstra University School of Law; author (with Abbe Smith), *UNDERSTANDING LAWYERS' ETHICS* (3d ed. 2004). I appreciate the editorial contributions of Ana Izquierdo, Rebeca Izquierdo, and Sarah Izquierdo.

1. 3 *THE COLLECTED WORKS OF ABRAHAM LINCOLN* 145-46 (Roy P. Basler ed., 1953).

2. Pronounced “Broom.”

3. 10 *HENRY LORD BROUGHAM, WORKS OF HENRY LORD BROUGHAM* 279 (1873) (speech on “Emancipation of Negro Apprentices”).

human rights. Rather, he is known only for a single quotation⁴—one that has stood for almost two centuries as the rallying call to zealous advocacy by lawyers.⁵ In it, Brougham asserted that an advocate, in carrying out his professional duty, knows but one person in all the world, and that person is his client. Accordingly, Brougham said, the advocate's first and only duty is to save his client at all hazards and costs to other people, including to the lawyer himself. That is, truly, lawyering at the edge.⁶

Apart from that quotation, however, few lawyers know anything about Henry Brougham. In fact, Brougham applied the same philosophy of zeal—regardless of the hazards and costs to himself—to his innumerable campaigns for human rights, for humanitarian causes in general, and for reform of the law, earning the accolade from one contemporary as “the greatest law reformer of his time.”⁷ Yet Brougham acquired the resentment, mistrust, and even hatred of many people of power and influence, even in his own Whig party. This Article will focus principally on just one of those many remarkable and forgotten achievements—Brougham's battles against slavery.⁸

4. See 2 THE TRIAL AT LARGE OF HER MAJESTY, CAROLINE AMELIA ELIZABETH, QUEEN OF GREAT BRITAIN; IN THE HOUSE OF LORDS, ON CHARGES OF ADULTEROUS INTERCOURSE 3 (London, Printed for T. Kelly 1821). Brougham stated:

[A]n advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion.

Id.

5. The “traditional aspiration” of zealous advocacy—articulated so eloquently by Henry Brougham in 1820—stands today as “the fundamental principle of the law of lawyering” and as “the dominant standard of lawyerly excellence.” MONROE H. FREEDMAN & ABBE SMITH, UNDERSTANDING LAWYERS' ETHICS 71-72 (3d ed. 2004).

6. Brougham was not referring to either illegal or unethical conduct. See Monroe H. Freedman, *Henry Lord Brougham and Zeal*, 34 HOFSTRA L. REV. 1319, 1320, 1323 (2006). Zealous (as distinguished from over-zealous) advocacy has always meant advocacy within the law and the disciplinary rules, in the same way that “at the edge” does not mean “over the edge.”

7. JOHN MCGILCHRIST, THE LIFE AND CAREER OF HENRY, LORD BROUGHAM 138 (London, Cassell, Petter & Galpin 1868).

8. A broader treatment of Brougham's humanitarian career is in preparation.

II. INJUSTICE, UNREST, AND REPRESSION IN ENGLAND IN BROUGHAM'S TIME

Henry Brougham was born in Edinburgh on September 19, 1778. That was one year before the founding of the radical Jacobin movement in France and the beginning of the French Revolution. Those events, including the Reign of Terror in 1793-1794, were catalysts for a sustained period of political unrest in Europe.

During Brougham's time, social and political conditions in England were appalling.⁹ Slavery and the slave trade were highly profitable and widely approved; hanging was the penalty for a long list of crimes, which included stealing the equivalent of about \$25 today, or defacing Westminster Bridge;¹⁰ a defendant accused of a capital offense was not allowed to have counsel; imprisonment without trial was common; prisons were brutal, filthy, and disease-ridden; the Habeas Corpus Act was suspended, and people against whom there was no evidence were imprisoned for years.¹¹ Laws affecting the poor were unfair and oppressive; the Court of Chancery was characterized by extortion and by long years of delay; Ireland was in a chronic state of starvation and insurrection; "blasphemous libel" was a criminal offense;¹² women were deprived of political, property, and marital rights;¹³ Catholics, Jews, and dissenters were barred from holding public office and from attending universities; there was nothing approaching democratic representation in either the House of Lords or the House of Commons; education of all but the governing class was practically non-existent, and even to suggest education of common people was viewed as a serious threat to the government; flogging of up to a thousand lashes was the common punishment for minor infractions in the Army and Navy; the mentally impaired were treated as criminals; and there was no protection for laboring children.

9. Sources include, among others, FRANCES HAWES, *HENRY BROUGHAM* 34-35 (1957) and 1 *HENRY LORD BROUGHAM, THE LIFE AND TIMES OF HENRY LORD BROUGHAM, WRITTEN BY HIMSELF* 181 (New York, Harper & Brothers 1871).

10. See MCGILCHRIST, *supra* note 7, at 139.

11. 3 G.M. TREVELYAN, *HISTORY OF ENGLAND* 91, 161 (1952).

12. In 1797, the owner of a bookshop that carried Thomas Paine's *Age of Reason* was convicted of blasphemous libel and sentenced to a year in prison with hard labor. 8 JOHN LORD CAMPBELL, *LIVES OF THE LORD CHANCELLORS AND KEEPERS OF THE GREAT SEAL OF ENGLAND* 131-36 (Boston, Estes & Lauriat 1857).

13. Brougham characterized this as "the degraded and brutified condition" of women. HAWES, *supra* note 9, at 174.

Even to question any of these conditions publicly was considered irresponsible and dangerously Jacobin, and doing so in speech or press could be prosecuted as a felony. When prosecuted as sedition, it was punishable by exile to Australia, and by imprisonment; when prosecuted as high treason, it was punishable by death.¹⁴ Public meetings were generally prohibited.¹⁵ For example, in 1819 working men and women gathered on St. Peter's fields, Manchester, for a peaceful assembly to discuss needed parliamentary reform. The result was the "Peterloo Massacre," in which law enforcement officers killed a dozen people and seriously injured hundreds more.¹⁶ The repression spread "a stifling blanket of fear over the whole intellectual . . . life of the country, fear of the French, fear of the masses, above all fear of change. . . . People were afraid to talk, almost afraid to think."¹⁷

Nevertheless, there were occasional public uprisings and acts of violent resistance. For example, in 1816 "[t]he mobs of London, Bristol or Glasgow were not very different from the mobs of Paris or Marseilles",¹⁸ in 1820 a plot was uncovered to murder the British Cabinet as it sat at dinner;¹⁹ and in 1830 fear of rioting caused the newly-crowned King William IV to cancel a visit to the City of London to dine with the Lord Mayor elect.²⁰

Among the British ruling class, a small number of courageous individuals did advocate reforms, focusing their efforts on a limited number of issues. In that regard, Henry Brougham was unique, directing his formidable attacks against virtually the entire range of social and political evils catalogued above. In the words of a contemporary, "Brougham was the furious [knight errant] of all progress. He did not care which combatant came on."²¹ Another contemporary, Walter Bagehot, summed up Brougham's career, saying: "[W]e forget how bold, how efficacious, how varied was the activity of Henry

14. There was also professional reprisal. For example, Henry Erskine was removed from his place as Dean of Faculty (head of the Scots bar) merely for attending a public meeting to petition against the Sedition Bills. Brougham wrote: "I attended that meeting, and can answer for it that he strongly urged them to disperse quietly; and there was nothing like violence of any kind in the proceedings." 1 BROUGHAM, *supra* note 9, at 165.

15. 3 TREVELYAN, *supra* note 11, at 161.

16. *Id.*

17. HAWES, *supra* note 9, at 34-35.

18. *Id.* at 103.

19. This was known as the Cato Street Conspiracy. 3 TREVELYAN, *supra* note 11, at 162.

20. HAWES, *supra* note 9, at 214.

21. MCGILCHRIST, *supra* note 7, at 244.

Brougham. . . . [T]he hundred reforms he suggested were carried; the hundred abuses he had denounced were abolished.”²²

III. BROUGHAM AND SLAVERY

It is difficult today to appreciate how slavery was viewed in England in the eighteenth and much of the nineteenth centuries. John Locke, the great philosopher of liberty, had helped to finance a slave trading company that branded its initials on countless African breasts.²³ Others who had justified slavery included the jurist and humanist²⁴ Hugo Grotius; the influential philosopher Thomas Hobbes; and the revered St. Thomas More.²⁵

Expressing a common view, James Boswell wrote that opposition to the slave trade “was owing to prejudice, and imperfect or false information,” and that efforts to end it were “wild and dangerous.”²⁶ “To abolish a *status*, which in all ages GOD has sanctioned,” he wrote, “would not only be *robbery* to an innumerable class of our fellow-subjects; but it would be extreme cruelty to the African Savages.”²⁷ Boswell explained that transporting the “Savages” from Africa into slavery was a great kindness to them and that to abolish the trade would be to “shut the gates of mercy on mankind.”²⁸

There were seven major acts of Parliament relating to slavery, and Brougham was a leading figure in each of them. In 1803, when he was twenty-five years old, Brougham published *An Inquiry into the Colonial Policy of the European Powers*, a two-volume work of over 1000 pages. It was an immediate success; one contemporary pronounced it the most important treatise on political economy since Adam Smith’s *The Wealth of Nations*.²⁹ In it, Brougham devoted considerable attention to the slave

22. WALTER BAGEHOT, *BIOGRAPHICAL STUDIES* 55, 72 (Richard Holt Hutton ed., AMS Press 1970) (1881).

23. HUGH THOMAS, *THE SLAVE TRADE* 14 (1997).

24. *THE COLUMBIA ENCYCLOPEDIA* 1150 (Barbara A. Chernow & George A. Vallasi eds., 5th ed. 1993).

25. THOMAS, *supra* note 23, at 451; *see also infra* note 33.

26. 2 JAMES BOSWELL, *THE LIFE OF SAMUEL JOHNSON* 148 (Ernest Rhys ed., 1906); *see also* James Boswell, *No Abolition of Slavery; Or the Universal Empire of Love*, in *AMAZING GRACE* 238-41 (James G. Basker ed., 2002).

27. 2 BOSWELL, *supra* note 26, at 148.

28. *Id.* The phrase is adapted from Thomas Gray’s *Elegy Written in a Country Churchyard* (1741), where it was used in a different context.

29. HAWES, *supra* note 9, at 38 (“So eminent a judge as Mackintosh, philosopher and historian, pronounced it the most important work on political economy since *The Wealth of Nations*.”).

trade. Rejecting the dominant opinion in England, and in his characteristically forthright way, Brougham called the transporting of Africans “a trade of iniquity and shame,”³⁰ and he charged his fellow Britons with being the “ringleaders in the crime.”³¹

As a result, when young Brougham went to London in 1803, he was immediately welcomed into a small group of anti-slavery activists. The leader of that group was William Wilberforce, who had made the first anti-slavery speech in the House of Commons in 1789, when Brougham was a year old.³² Through Brougham’s formidable skills in speaking and writing, he quickly came to be recognized as the most eloquent member of the anti-slavery movement.³³

The first anti-slavery legislation, in 1807, outlawed the slave trade in British vessels. However, the only penalty was a fine of twenty pounds for each slave. The law proved to be ineffectual in part because, when a naval ship approached a slave ship, some slavers threw their African prisoners overboard, weighted by shackles. Also, profits of the slave trade were enormously high, and more than sufficient to cover any fines that had to be paid.³⁴

Accordingly, in 1811 Brougham succeeded in carrying a second bill that made slave trading a felony punishable by five years in prison or exile to Australia for fourteen years. Having thoroughly mastered every aspect of the slave trade, Brougham related how vessels were being fitted out in Liverpool as if for innocent commerce with Africa, but with hidden paraphernalia for slaving. In one case, he reported, a ship was found to contain fifty-five dozen padlocks, ninety-three pairs of handcuffs, a hundred and ninety-seven iron shackles for feet, thirteen hundred-weight of iron chains, and, “for the medical wants of 800

30. 2 LORD BROUGHAM, AN INQUIRY INTO THE COLONIAL POLICY OF THE EUROPEAN POWERS 490 (photo. reprint 1970) (1803).

31. *Id.* at 490-91.

32. Even Wilberforce was a white supremacist. When he chaired a public dinner in 1816 for the African and Asiatic Society, the few Africans and Asians who were present were required to eat at the end of the room behind a screen. ADAM HOCHSCHILD, BURY THE CHAINS: PROPHETS AND REBELS IN THE FIGHT TO FREE AN EMPIRE’S SLAVES 314 (2005). Wilberforce also condoned whipping slaves as long as it was only done “at night after the day’s work.” *Id.* In addition, contrary to Brougham’s demand for full equality, Wilberforce wrote in 1823 that, once freed, slaves would “sustain with patience the sufferings of their actual lot . . . [and] will soon be regarded as a grateful peasantry.” *Id.*

33. For some of Brougham’s speeches, see 10 BROUGHAM, *supra* note 3: *The Slave Trade* (1810), *id.* at 93; *Negro Slavery* (1830), *id.* at 193; *The Slave Trade* (1838), *id.* at 223; and *Eastern Slave Trade* (1838), *id.* at 283.

34. *See id.* at 109.

negroes of all ages, crammed into a loathsome cage, and carried . . . [for] months—one little medicine chest, value £5.”³⁵ With both wit and telling effect, Brougham argued:

There is a most false and unfounded notion, that the sacred writings are silent upon [the subject of slave trading]; I shall prove the contrary. “Whosoever” (says the Scripture) “stealeth a man, and selleth him . . . shall surely be put to death.”³⁶ And what is our gloss . . . of this divine text? “Whosoever” (says the English law) “stealeth a man, and . . . selleth him into slavery . . . shall surely—pay twenty pounds!”³⁷

Brougham’s bill to increase the penalties for slaving carried unanimously in both houses of Parliament in 1811,³⁸ and in 1824 the felony of engaging in the slave trade was increased to a capital offense.³⁹

As important as it was to outlaw the slave trade, slavery itself continued with all its savage abuses. Slaves were flayed with lashes, maimed, and murdered with impunity. Incredibly, however, feelings of revulsion in Britain were not against slavery, but against the anti-slavery movement, so much so that emancipation seemed hopeless.⁴⁰ Then, in 1824, Brougham gave a speech that “dealt British slavery a blow from which it never recovered.”⁴¹

In a stroke of brilliant advocacy, Brougham focused public attention on the case of a white Christian missionary named John Smith who had been falsely convicted of instigating a slave revolt in the Dutch colony of Demerara. Having thoroughly mastered the record of the case, Brougham showed that Reverend Smith had been dragged from his house at a time when he was suffering from tuberculosis.⁴² He had then been imprisoned, first in a “fetid room, exposed to the heat of the tropical sun,” and then placed in a “small and loathsome dungeon,” one “only suited to the purposes of torture,” in which the floor was “laid

35. *Id.* at 104-05 (from Brougham’s speech *The Slave Trade* (1810)).

36. The reference is to *Exodus* 21:16.

37. 10 BROUGHAM, *supra* note 3, at 110 (internal footnote added).

38. *See id.* at 111.

39. *Id.* at 112.

40. FRANK J. KLINGBERG, *THE ANTI-SLAVERY MOVEMENT IN ENGLAND* 220 (Archon Books 1968) (1926), *quoted in* CHESTER W. NEW, *THE LIFE OF HENRY BROUGHAM TO 1830*, at 295 (1961).

41. *Id.*

42. 10 BROUGHAM, *supra* note 3, at 126 (describing Smith’s unnamed illness as “a disease which, in all probability, would in any circumstances have ended in his dissolution”).

loosely over stagnant water.”⁴³ Next, Reverend Smith had been put to trial before an illegal and biased court, the president of which had a direct financial interest in each slave sold.⁴⁴ Smith had then been convicted by inadmissible evidence (including “hearsay . . . three or four deep”),⁴⁵ condemned to die, and, finally, killed by the “slow and wanton severity” of the treatment to which he had been subjected.⁴⁶

Having stirred public passions by detailing the outrages against Reverend Smith, Brougham then related those outrages to the brutal treatment of the slaves, including the fact that some of them had been “torn [to] pieces by the lash.”⁴⁷ As a result, people who previously had found it easy to ignore the evils of slavery began to confront the issue.

Although Brougham thereby gave life to the movement to free the slaves, it was only after nine more years of persistent advocacy that, in 1833, the Slavery Abolition Act was passed, providing for emancipation of the slaves in England and its colonies. The Act also established a fund of £20,000,000 to compensate the slave owners for being deprived of their “property”—the equivalent of more than two billion dollars today.⁴⁸ Nevertheless, true freedom was postponed by allowing the masters to hold their slaves as unpaid “apprentices,” some until 1838, others until 1840.

Of course, the masters, having received generous compensation for turning slavery into “apprenticeship,”⁴⁹ continued to contend that true emancipation would result in widespread bloodshed and great damage to the British economy. That was the occasion for Brougham’s powerful speech, quoted above, demanding true freedom and full rights for the slave/apprentices. Fortunately, Brougham and his colleagues prevailed, and in 1838, indentured servitude was abolished throughout the British empire.

Despite those glorious victories, slavery persisted elsewhere in the world, and other nations, particularly Spain and Portugal, continued to maintain the trade in slaves. In 1839, therefore, Brougham was instrumental in passing a bill authorizing the capture by the British Navy

43. *Id.* at 116, 126-27.

44. *Id.* at 128-39.

45. *Id.* at 140-57. However, rules of evidence were strictly enforced against Smith; for example, hearsay on Smith’s behalf was excluded. *Id.* at 149-50.

46. *Id.* at 182.

47. *Id.* at 160.

48. HOCHSCHILD, *supra* note 32, at 347.

49. The Church of England received the equivalent of almost \$1,000,000 in today’s money for the 411 slaves on its Codrington plantation. *Id.*

of Portuguese and Brazilian slavers.⁵⁰ Finally, in 1843, by means of another bill introduced by Brougham, slave trading by British subjects in countries outside the British empire was made a felony.

IV. BROUGHAM'S STRUGGLES FOR HUMAN RIGHTS DESPITE THE HAZARDS AND COSTS TO HIMSELF

This Article has dealt with only one of Henry Brougham's valiant and tireless campaigns for human rights, for humanitarian causes in general, and for law reform. Others of his causes—all of them dangerously controversial—included freedom of speech and of the press; universal public education;⁵¹ reform of the poor laws; the rights of women; emancipation of Catholics and Jews (that is, their rights to hold public office and to enter the universities); the rights of the Irish; reform of the courts and of civil and criminal law;⁵² electoral reform; and the outlawing of flogging in the Army and Navy.⁵³

Brougham has had his admirers. As noted above, he was described by one contemporary as “the greatest law reformer of his time.”⁵⁴ Another wrote: “[N]o fair person can doubt . . . that he has shown on

50. MCGILCHRIST, *supra* note 7, at 200-01.

51. One might be surprised to find this on a list of controversial causes. As Bagehot wrote, however:

[S]carcely anyone remembers how unpopular that movement was. . . . Dr. Johnson was of opinion that it was not right to teach reading beyond a certain extent in society. . . . Such were the sentiments of some of the best scholars of that era; and so went all orthodox sentiment. . . . But, in spite of all this opposition, . . . Brougham was ever ready. He was a kind of prophet of knowledge.

BAGEHOT, *supra* note 22, at 52.

52. Those who associate Brougham only with zeal in litigation will be surprised that one of his most controversial causes was alternative dispute resolution through Courts of Reconciliation. According to Lord Campbell, the proposal was merely one of Brougham's “crotchets,” that is, a whimsical fancy that was contrary to common opinion. 10 JOHN LORD CAMPBELL, *LIVES OF THE LORD CHANCELLORS AND KEEPERS OF THE GREAT SEAL OF ENGLAND* 345 (Boston, Estes & Lauriat 1875).

53. There is, indeed, little new under the sun. Those critical of military flogging were criticized for their “unpatriotic feelings.” See 9 HENRY LORD BROUGHAM, *WORKS OF HENRY LORD BROUGHAM* 35-36 (Edinburgh, Adam & Charles Black 1872). The torture of flogging was described as follows by one of Brougham's clients (who, for writing it, was prosecuted for felonious libel):

[The man was] stripped naked; his limbs tied with ropes to a triangular machine; his back torn to the bone by the merciless cutting whipcord, applied by persons who relieve each other at short intervals, that they may bring the full unexhausted strength of a man to the work of scourging. . . . that most heart-rending of all exhibitions on this side hell,—an English military flogging.

Id. at 7.

54. MCGILCHRIST, *supra* note 7, at 138.

many great occasions . . . a rare zeal for the public welfare. . . . No one would do what he has done, no one could have the intense motive power to do what he has done, without a large share of diffused unselfishness.”⁵⁵

How can it be, then, that Brougham is today virtually unknown for his extraordinary humanitarian record? The answer appears to be that the zealous dedication that made him so successful in righting so many of the terrible wrongs of his time, served at the same time to create a combination of envy, mistrust, resentment, and even hatred on the part of powerful and influential people. They included people, like the slave-traders and slave owners, whose status and incomes were reduced by Brougham’s persistent attacks on their brutal enterprises. Others were the powerful and privileged whose power and privilege Brougham reduced to some extent by the education and enfranchisement of lower classes.

In addition, during Brougham’s lifetime, the leaders of his Whig party mistrusted him because he subordinated party loyalty to his determination to ameliorate human suffering at all costs, including the costs to himself. Ironically, therefore, his greatest political successes caused the greatest damage to his political career.

Moreover, the powerful and influential people whom Brougham offended were able, after his death, to minimize, to deny, and, ultimately, to ignore his innovative and influential role. Take, for example, John Lord Campbell, author of the ten-volume work, *Lives of the Lord Chancellors and Keepers of the Great Seal of England* (1857). Although Campbell’s *Lives* appears to be authoritative, it has been called the “least impartial of works”⁵⁶ and “prejudiced and quite unreliable.”⁵⁷ Indeed, Campbell’s host at a dinner party once offered him the following toast: “‘Then there is my noble and biographical friend who has added a new terror to death.’”⁵⁸

In Brougham’s case, Campbell’s disparagement of Brougham derived from a history of political enmity,⁵⁹ from envy of Brougham’s

55. BAGEHOT, *supra* note 22, at 57.

56. G.T. GARRATT, LORD BROUGHAM vii (1935).

57. HAWES, *supra* note 9, at 33.

58. Sir Charles Wetherell, *quoted in* LORD ST. LEONARDS, MISREPRESENTATIONS IN CAMPBELL’S LIVES OF LYNTHURST AND BROUGHAM 3 (London, John Murray 1869). St. Leonards also wrote that after the publication of Campbell’s biographies of Brougham and Lord Lyndhurst “no man can be sure that he may not be libelled [sic] and misrepresented.” *Id.*

59. Campbell wrote: “[A]s we have often been in collision, and as keen rivalry has produced private as well as public quarrels betwixt us, I must have misgivings with respect to my impartiality,

achievements, and from class bias. In the words of a British biographer, “Campbell never forgave Brougham for his early success, or for having left the ordered route by which a lawyer without family should ascend the Woolsack. The ‘Life’ is . . . obviously intended to ‘write him down’ to Campbell’s own stature.”⁶⁰ To accomplish that, Campbell used both sarcasm and lies.

For example, Campbell wrote that Brougham had “an immense conglomeration of ideas in his mind, which could only be vomited forth in the House of Commons.”⁶¹ Accordingly, Campbell continued, Brougham “spoke as much during the single session, as would be a sufficient contribution to debate from an ordinary man during a long parliamentary life.”⁶² Campbell also wrote:

Volumes to load many camels might be filled with detailed accounts of all the doings, writings, and speeches, by which he has excited the passing interest of his contemporaries. If these were read posterity might consider him a *myth*, like the Grecian Hercules, to whom the exaggerated exploits of many different individuals are ascribed. . . . By seeking distinction in almost every department of genius, he has failed to establish a great name in any.⁶³

In conclusion, Campbell opined that Brougham had “accomplished nothing as a statesman.”⁶⁴

V. CONCLUSION

Henry Lord Brougham directed his formidable attacks against virtually the entire range of social and political evils of his time. In the words of a contemporary, “[W]e forget how bold, how efficacious, how varied was the activity of Henry Brougham. . . . The various ideas which he had struggled for in earlier life were successful one by one; the hundred reforms he suggested were carried; the hundred abuses he had denounced were abolished.”⁶⁵

and the reader may reasonably regard my narrative with suspicion.” 10 CAMPBELL, *supra* note 52, at 202. He added reassuringly, however, that he was “sure that I entertain no resentment against him for past injuries.” *Id.*

60. GARRATT, *supra* note 56, at vii.

61. 10 CAMPBELL, *supra* note 52, at 270.

62. *Id.*

63. *Id.* at 203.

64. *Id.*

65. BAGEHOT, *supra* note 22, at 55, 72.

Ironically, however, it was Brougham's lifetime of zealous, at-the-edge campaigns for social justice that caused his name to be all but forgotten today as the great humanitarian that he was. The reason is that Brougham's success in advancing so many controversial causes earned him the envy, the mistrust, the resentment, and even the hatred of the powerful and influential people who felt aggrieved by his achievements. In response, they succeeded in minimizing, and even in obliterating, the credit to which Brougham is due.

To paraphrase what he said of the role of the advocate, however, Brougham saw it as his first and only duty to pursue his humanitarian principles at all hazards and costs, including to himself. To his great credit, Henry Brougham lived by that creed, and because he did, we are all in his debt.