



UNIVERSITY OF MALTA
L-Università ta' Malta

Graduation Ceremony 21
Friday 9 December 2015 at 1630hrs – Jesuits Church Valletta

Graduand's Speech
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Good afternoon. I have been invited to deliver this oration. It's great to be here.

In this brief oration, I propose to talk of many things.... the Magna Carta, Winston Churchill and Napoleon; of weights and measures and Pol Pot; of good things and abominations. I hope that with small doses of history and a little imagination we will manage to connect the apparently disconnected and unconnectable. The theme is the importance and pleasure of knowing, learning and reading.

It is a time for celebrationfor these are Happy Days. Apart from the hundreds of new graduates, this year we also celebrate Magna Carta's 800th birthday. As a present, it was given a weekend trip to our National Library. A billboard was set up near the University to announce the happy event. People trickled in to see it. As no translation was provided, people....well...just looked at it. It is not a huge document, 63 hand written articles in all. An excellent official website has been set up by the British government to celebrate it and to promote knowledge about its significance for those of you who seem to have missed the billboard. We have it from published authority that the Magna Carta was a good thing and that King John who grudgingly accepted it was a bad King.

The Magna Carta has a connection to consumer protection, an area of interest to me since the mid-seventies. It enjoined the King to set up standard weights and measures.....one of the oldest devices in consumer protection. Why is this relevant? For two reasons: the two theses that I have presented to University have been about consumer protection. And secondly, because, less than a month ago, I discovered that most law students following a consumer class knew close to nothing about the good Magna Carta or about the bad King John.

Then things got surprisingly worse. A week later a front page report in the local media reported that most SEC history students could not explain who Winston Churchill was or what his role during World War II was. This is almost tragic but it motivated me to tell you today something about Magna Carta and Winston Churchill...and the importance of reading as enjoyment.

When I received the invitation to deliver this oration a couple of weeks ago, it kindly suggested I tell you something about my studies. Do you really want that? You can read my thesis at the library if you want to. You may even stop at the Abstract.

I have heard many orations and I have enjoyed most of them. I have however not always enjoyed hearing graduates delivering a summary of their thesis. Happily, few actually spoke of their own thesis. I shall be trying something different here, something unexpected. Indeed, as lawyers, you should be prepared to expect the unexpected and to assume nothing. I will however not indulge in poetry or have music accompanying me. It has happened you know.

36 years ago, I was in your place as an LLD graduate; my first thesis had examined whether consumer protection existed at all within the Maltese legal system. Things have changed considerably since 1979 and Maltese consumer law has grown and come of age and is today highly Europeanized. This was the topic of my second thesis. My classmates - former graduates like you - too have grown older and they are now European citizens, fathers and grandfathersall have survived so far. God bless them all.

My birthday falls on the 19 May. On that day in 1798, Napoleon Bonaparte sailed with his fleet from Toulon.....a voyage of conquest and discovery.....destination Egypt via Malta. Before embarking, Napoleon insisted on having a well-stocked library set up for him in his cabin to help him while away the boring long hours at sea. He was a voracious reader and he read mainly history books. Indeed, he mocked his fellow officials and admirals who periodically visited to borrow inconsequential sentimental novels. His view was that men should read history and more history and nothing else.

So you now know how Napoleon spent his time before he landed on our shores, where he asked for a little water for his huge armada, imposed unfair contract terms on the Knights and scared them away, re-drew the governance of the island, introduced civil marriage, abolished the local slave trade and introduced national free education for all - which was a good thing. Incidentally, he did not introduce the Civil Code to Malta and nor was he interested in consumer protection. He must have been fashionably pro-business.

I also share my birthday with a Mr Pol Pot, also known as Comrade Brother Number 1, who (like Napoleon) carried out his studies in Paris.. that's in France. Unlike you, the infamous Pol Pot apparently failed his Paris exams. That was not good news. He then went on to unleash an abominable reign of terror which killed a large part of his own people. The first to be killed – not surprisingly - were the lawyers and the doctors as well as other professionals: those who could read and write and think. In the Killing Fields, reading, knowledge and learning were a dangerous occupation. This is precisely why the celebration of the signing and sealing of the Magna Carta is such a big thing.

The Magna Carta is deservedly celebrated for introducing the first restraints on absolute kingship, for the protecting of individual freedoms and for rendering the State accountable under the law. Fortunately it survived early attempts to annul it. The Pope did not see it as a good thing and even described it as an abomination. He considered it ultra vires on the ground that he alone had the divine right to restrain or not to restrain the excesses of unruly kings. These kings were – of course - similarly endowed with the divine right to govern and to misgovern. The absolutist Pol Pot would have sympathized. Pol Pot sought to re-start society with a clean slate, wiping away history, currency, religion and learning. Imagine no money and no religion indeed! Napoleon despised the reign of terror carried on in revolutionary France of which he almost became a victim, whereas he energetically promoted learning and all forms of knowledge.

Most articles of the Magna Carta may be of little relevance to us today as they mainly protected the rebellious barons from the abusive and arbitrary behaviour of King John. The rights did not originally extend to the common folk. Over the centuries, the document grew into a fundamental constitutional document which has influenced important well-loved speeches by Nelson Mandela, Benjamin Franklin and Martin Luther King. Indeed some of its wording was borrowed and used in the Constitution of the United States in the context of due process and the rule of law, and it has also inspired other significant recent documents on human rights.

Interestingly, article 35 of the great charter also ordered the King to establish standard measures for wine, ale, corn and cloth, among other things. Weights and measures abuses are among the oldest commercial abuses in history – abuses which are repeatedly mentioned and condemned in the Bible. “False weights and measures are an abomination to the Lord” thundered the Old Testament. Inspired by Magna Carta, the regulation of weights and measures was formally included in the Constitution of the United States.

Napoleon did not adopt the Magna Carta or its principles, but he must have known about it. Pol Pot certainly cared nothing for it and I imagine he had less interest in weights and measures.

A weighty figure, both literally and symbolically, Winston Churchill, who can be known as the man unknown to Maltese history students, was a great admirer of Magna Carta. He re-joins the story once again because during the early stages of the Second World War, Churchill wished to donate to the people of the US one of the four original copies of the Charter to thank them for assisting Great Britain in its desperate and lonely fight against the Axis. A true copy had been taken to the US for safekeeping. It was also exhibited next to the original copy of the American Declaration of Independence, an event it had inspired especially in relation to due process and the rule of law. The United States hold the Magna Carta in great affection for the iconic role it played in their fight for Independence and their struggle against the arbitrary impositions of their former British rulers. The Founding Fathers of the US to regularly referred to Magna Carta.

The owners of the copy did not however fancy the idea of parting with the dried sheepskin document and the copy was eventually returned safely to Britain after the war. By a happy coincidence, one of the original copies has now been exhibited locally for the first time.

Well, it's time for me to start winding down my few minutes of oratory fame.... this my first and last oration. Thank you to everyone who in any way offered encouragement or helped me along the way in my research, including friends, colleagues, the Rector, the Dean and so many others.

I wish them all well, just as I wish that you leave here feeling that you got your money's worth and that you now know a little bit more about Magna Carta, Winston Churchill, Napoleon's reading habits and Comrade Brother No 1.

And Napoleon was probably right of course: you should read history and more history. It is both useful and enjoyable. Jean-Paul sitting here has already rightly stated in his own oration that: “The pursuit of learning is about the pursuit of happiness”... in poorer terms, learning is fun but it is of course also useful. We read and therefore we are.

Today your years of study, sacrifices and struggles are given due recognition. You shall soon receive a hug or a handshake together with a nice Latin document that some of you will hang on a wall to provoke admiration and jealousy in others. Your journey ends today - but an even tougher and

longer one now awaits you. You have longer years of study and preparation ahead of you and you shall find yourself tested and re-tested.

But this is a ceremony of celebration. You have made it. That is fact - a part of your own individual histories. I wish you the best of luck in your future choices, studies and careers. So now rejoice, enjoy the moment, have your fun and may you remain Forever Young.