

Paul O'Higgins (1927-2008)

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Professor Paul O'Higgins who died on 13 March 2008 was an outstanding scholar, lecturer and researcher. He contributed to the education of successive generations of law students at Christ's College, Cambridge. O'Higgins was well known and respected. His scholarly reputation came from his contribution to three specialist areas of law: civil liberties, labour law and social security law.

In the field of civil liberties his *Censorship in Britain*¹ provided an analysis of how state intervention in the lives of ordinary people came in many forms including rules about obscenity as well as measures to protect the national interest through secrecy and confidentiality laws. He was pioneering in his perception that the state's claim for the public interest in underpinning public order, in fact, concealed inroads into the private lives of ordinary citizens. He was sensitive in recognising the precarious nature of the freedoms that we take for granted in Britain and vigilant against liberty being incrementally eroded. His *Cases and Materials on Civil Liberties*² provided a useful compendium of information of available civil liberties and their limitations in Britain, long before the advent of the Human Rights Act 1998.

In labour law, O'Higgins with Bob Hepple edited the *Encyclopaedia of Labour Relations Law*³ and collaborated on other works with Hepple, including *Individual Employment Law*.⁴ In many respects the partnership with Hepple provided a bed-rock on which labour law thrived at Cambridge and this legacy endures today. And in social security law, he co-edited, with Martin Partington, a *Bibliography of the Literature on British and Irish Social Security Law*.⁵ O'Higgins was a bibliographer of international reputation. In this, he helped to engage with the future of legal scholarship and make accessible many obscure but significant works.

His enduring love of Ireland included a sensitivity and respect for Irish legal history, a subject for which he had an encyclopaedic knowledge and understanding. His interest in Irish legal history was clear from some of his early writing. In 1960, he published several bibliographical notes in the *American Journal of Legal History*. His *Irish Jurist* article in 1966 on "English law and the Irish question" provided an intellectual basis for the study of the

1 London: Nelson, 1972.

2 London: Sweet & Maxwell, 1980

3 London: Sweet & Maxwell, 1972.

4 London: Sweet & Maxwell, 1971.

5 London: Mansell, 1986.

common law in Ireland. His efforts provided recognition for Irish legal history as an indispensable part of legal historical studies in Britain. This recognition did much to encourage comparative work and highlight the distinctive and original contribution that Irish scholars could make.

O'Higgins was fascinated by the work of law reporters and the importance of Irish law publishing as a means of understanding how the legal profession developed in Ireland and the influences that shaped its development. His analysis of the life of William Sampson (1764–1836) for the *Dublin University Law Review* in 1970 is a good example of how significant but obscure individuals could be identified by O'Higgins and given recognition for their achievements. In his research in Irish legal history, his preoccupation was to find evidence and establish facts that could be verified and authenticated. The debunking of myths and the rejection of mere assertion gave O'Higgins a critical appreciation of the truth and its realisation through rigorous analysis and scholarship. Assessing the significance of historical material and understanding the past became an abiding theme of his lifelong devotion to collecting bibliographical material. Very often the only source for an obscure article or trial was with the author's own collection – an indication of how professionally he took his task of collecting and verifying. In 1966, O'Higgins published *A Bibliography of Periodical Literature Relating to Irish Law*⁶ followed by the First Supplement in 1975 and the Second Supplement in 1983. Three years later came his monumental *A Bibliography of Irish Trials and other Legal Proceedings*⁷ which was awarded the Joseph L Andrews Bibliographical Award by the American Association of Law Libraries in 1987.

This defined the availability of a vast array of material on Irish law that undoubtedly was path-breaking. The surprise was just how much material was available and how little research had been undertaken. The bibliography reveals many forgotten and obscure sources that contribute to deepening our understanding of Irish law to an extent previously thought impossible as many legal records had been destroyed or overlooked over previous centuries. In this way, O'Higgins has provided a foundation in the subject for present and future generations of scholars.

In all the bibliographical works there is a painstaking and meticulous attention to detail and his method of cataloguing sources has made the availability of material an achievement of note. O'Higgins brought an astonishingly acute legal eye for detail into the study of social, political and economic issues and in defining sources and identifying ideas and influences.

O'Higgins was also an enthusiastic and committed teacher who made the student learning experience enjoyable and rewarding. At weekends during term he and his wife Rachel hosted tea at his home in Cambridge where different generations of research students and undergraduates would meet. These were memorable and happy occasions and the couple's kindness and generosity were truly appreciated. His time spent at Cambridge from the early 1960s until his appointment to the Regius Chair of Laws at Trinity College, Dublin, in 1984 was epoch making. The study of labour law and of civil liberties were established at the university and research students flourished in this environment. O'Higgins returned to England in 1987 when he was appointed to a Chair of Law at King's College until he retired in 1992. He was elected Vice-Master of Christ's in 1995.

He was a passionate believer in individual liberty and spoke out against injustice. His attitude to education was a holistic one. He believed that well-educated young people could make their mark on the world and through their contribution repay the debt that they owed. He believed that the value of education was in its passage to future generations and

6 Belfast: *NILQ*.

7 Abingdon: Professional Books, 1986.

that reason and knowledge gave way to understanding which was the best antidote to prejudice and bigotry.

O'Higgins was a tireless and selfless scholar who willingly shared his knowledge, time and understanding with others. He belonged to a generation that valued scholarship; that regarded teaching and research as inextricably linked so that all would benefit. His legacy will endure and there are countless students who will carry with them the value of his friendship and the integrity of his thinking.

