

PROFESSOR STEPHEN LIVINGSTONE

Text of an address given by Professor John Morison, successor to Stephen Livingstone as Head of the School of Law and a friend of 20 years standing on Saturday 11th September 2004 as part of a Service of Thanksgiving and Celebration for the life of Stephen Livingstone.

TRIBUTE

I have been given the very difficult task of saying a few words about Stephen as a scholar, a colleague and a friend – difficult not just because his loss still seems so immediate but also because there is so much contained within the forty three years of his life.

I first met Stephen in 1984 when he arrived just a few months after me as a lecturer in the Faculty of Law. We had offices in College Green, away from the main building in University Square and where we fancied the more rebellious, “theory-based” colleagues were exiled.

My first recollection of Stephen is of his peculiar Belfast / East coast US drawl that was a legacy of his recent stay in Harvard Law School where he had taken a John F Kennedy Scholarship to study for his LLM.

I think this time in Harvard was a defining time for Stephen in ways that lasted much longer than the mid-Atlantic twang. Indeed I think it was perhaps even more important for him intellectually than the three years he spent as an undergraduate in Clare College Cambridge. I suspect that the personality he was to inhabit, and the intellectual concerns that were to shape the later part of his life, took up their more definitive form after the year in Harvard.

Of course I have no direct experience of Stephen’s early life at Robert Bell Primary school and later Orangefield Primary in East Belfast and then Inst (Royal Belfast Academical Institution) located in the centre of Belfast. But our colleague David Capper who has known Stephen since boyhood has told me how some of the qualities of determination and self-reliance that so characterise Stephen came out during his school days. All the references Stephen made to his early life feature very warm recollections of his relationship with his parents Max and Flo with his sister Allison. And in exactly the same way, I know he felt totally supported and cared for by Karen later. But there is perhaps a sense of Stephen at school as somehow creating and developing the outstanding person he was to become. Stephen’s formidable ability to work at the very highest levels of concentration and intensity, and most of all, his huge qualities of self-reliance were, I suspect, forged during an adolescence where not everyone in a large and sports-fixated school would have immediately recognised his very special talents and potential. I think this element of Stephen creating the character that he was to become through the efforts of his formidably strong will is important, and is not picked up simply by looking at a glittering c.v. featuring Cambridge, Harvard Law School, a lectureship at Queen’s, a visiting

position in Detroit Law School, a Readership in Nottingham and appointment to a Chair of Human Rights Law by the age of thirty seven.

I believe that Harvard too was the seedbed for many of the interests that were to preoccupy Stephen's professional life – as well as the place where he picked up the habit of using those distinctive US yellow legal pads which he used to cover with his almost indecipherable handwriting.

And if Harvard influenced Stephen, then the effect was not simply one-way: Professor Henry Steiner of the Harvard Human Rights Programme has contacted the Law School here to say that: "Harvard Law School is understandably proud of its many distinguished alumni. Stephen Livingstone was amongst our finest. I remember Stephen as a bright, engaging and stimulating personality. Harvard human rights alumni are among the many groups made the poorer by his death."

It was at Harvard in classes taught by internationally renowned figures such as Roberto Unger that Stephen developed and deepened his interest in human rights. I remember him talking of taking trips to the southern states and indeed working in an advice clinic in Alabama where he had the sort of practical engagement with issues of social justice that were to preoccupy him throughout his career.

Indeed this theme of engaging with real issues is a particular feature of Stephen's very distinguished career. He was no ivory tower academic but always deeply committed to using law to make a difference. Others will be talking later about his role with the Committee on the Administration of Justice and on the Equality Commission where he sought to put into practice the ideas that he had worked out with the fullest academic rigour.

However, Professor Kevin Boyle of the Essex Human Rights Centre (a great mentor of Stephen and a veteran rights campaigner) wrote to me a few days ago to say:

"... [Although unavoidably in New York] I do very much want to be associated with the memorial for my friend and much missed colleague ... This is an event to remember Stephen and celebrate his achievements and I remember Stephen as a person who was deeply committed to respect for human rights as part of a settlement of the Northern Ireland conflict and as essential for a peaceful and just world order. We debated both the home front and the world many times together in Belfast, Galway, Nottingham, Strasbourg and elsewhere.

We also pursued dreams into practice, such as launching a British Irish Human Rights Centre Network. He was convinced that there was too little intellectual traffic between these islands and we cooperated in joint conferences to change things where we could. I was always taken aback in admiration at the scale and quality of his scholarly achievements ... he was an innovative thinker and activist and a scholar of international reputation who had much, much more to contribute and to give".

I would agree with all this, and with the former Dean of Fordham Law School, John Feerick, who told me simply that Stephen was “one of the finest and most decent persons I ever met”. Certainly in addition to the qualities of decency that Stephen brought to his work there can be no doubting the international nature of Stephen’s scholarship. This relates both to its quality and indeed to its scope. Perhaps it was Harvard also where Stephen developed an interest in world affairs and the role of law and justice across the world.

Certainly there was nothing Stephen enjoyed more than the prospect of going somewhere unknown on an early plane the next morning.

I remember often how he would give a little smile as he announced he was off to eastern Europe – Ukraine was a recent and particular interest – or somewhere in Africa and he had a fund of (often self-deprecating) stories. One of his favourites involved being grounded in the airport of some far-away state in the former Soviet Union, no doubt ending in “- stan” on a dodgy airline, where the passengers had to have a whip round to get sufficient money for the crew to fuel the plane to leave. On another occasion he deeply impressed a group of us at a conference in Cape Town by having a detailed knowledge of the local restaurants and moreover by being able to find them. At a time when academic research both in law and at Queen’s was striving to become more international, Stephen was at the forefront in getting out into the world.

Of course although he loved encountering new countries and new people he remained very centred in his life in Northern Ireland. No doubt this was in large measure because of the love and support of his family and the very great happiness he had in living with Karen. Stephen was proud of being from Belfast and indeed from East Belfast in particular. I remember how on one occasion, after he had invested heavily in a series of rather adventurous, ethnic collarless suits in Nigeria, he regretted that before buying quite so extensively he had not applied what he described as the “Newtownards Road test” – i.e. how comfortable would he feel walking down the Newtownards Road dressed in the latest fashion from Lagos. (I don’t believe that he ever wore the suits – although he did always do a great line in hats.)

Certainly Stephen’s list of international contacts was phenomenal. Amongst those sending messages of sympathy when Stephen was first reported to be missing was President Mary McAleese and a whole range of colleagues from the US and, particularly, South Africa, including the well-known human rights activist and now Minister of Education Kadar Ashmal.

Indeed South Africa and the inspiring struggle there to transcend a legacy of oppression and mistrust by using the framework provided by the constitution and by human rights was a particular interest in Stephen’s life.

Hugh Corder, Professor and Dean of Law in the University of Cape Town contacted me earlier in the week. He writes of how,

“The productive links which exist between the Faculties of Law of Queen’s University, Belfast and the University of Cape Town are in large measure due to the initiative, commitment and warm humanity of Stephen Livingstone. The formal British Council – sponsored exchange agreement provided for

an exchange of ideas and knowledge between two societies with many challenges in common. Stephen was the link co-ordinator on the Belfast side, and a keen participant, last visiting at Easter 2003. His enthusiasm, understanding and quiet humility impressed all whom he met, as did his intellectual sharpness and creativity.”

Another South African colleague, the former Dean of UCT’s Law Faculty, Dirk van Zyl Smit adds:

“I got to know Stephen through our joint interest in prisons in the early 1990s. When his book on the area came out it defined a field to which British scholars had not paid much attention. The judgments that it makes about the law are compassionate but measured, as was Stephen himself. As a prison lawyer I learnt a great deal from his wider knowledge of human rights law. As a colleague and friend I benefited from his warmth and kindness. I shall miss him greatly.”

Indeed Stephen made a big impact in South Africa. Saras Jagwanth also of Law Faculty in Cape Town writes of how “Stephen always appeared to be one step ahead, had a boundless curiosity and was full of innovative and pioneering ideas. . . . It was an honour for me to have worked with him and I shall always remember him for his special combination of intellect, sharp wit, generosity and humility.”

Professor Corder continues . . .

“I know that these sentiments about Stephen the person and his work are shared by all my Cape Town colleagues who were privileged to have met and worked with him over the past ten years or so. I certainly benefited greatly from his insights, clarity of purpose and breadth of intellect. Yet my abiding memory of him is his keen acceptance of a ticket to a day of cricket at Newlands; and his determination, on one of his visits, to climb Table Mountain – [which he did!].”

Indeed we all have memories of Stephen’s many and varied enthusiasms. John Morgan from the University of Nottingham has written to me not only to send his thoughts to everyone here but to reminisce about discussions with Stephen on Irish history, Nigeria and rugby. Indeed many of Stephen’s football playing colleagues on the Law School five-a-side team remember with awe Stephen’s seemingly encyclopaedic knowledge covering, for instance, the Italian third division football league or the lower batting order in the Western Australia cricket side.

Stephen certainly had a huge hinterland of sporting interest and culture. Unlike many modern academics he was truly interested and informed beyond the narrow confines of his discipline. He was interested in music, cinema, literature and theatre – and he knew a lot about it. He enjoyed Mahler, Shostakovich, jazz and the Blind Boys of Alabama. He would quote Woody Allen as readily as the great American realist jurist Felix Cohen (on whom he always threatened to write an intellectual biography). He always claimed that he was like the fifth Beatle in so far as he had been one of the original ‘Hole in the Wall Gang’.

Working with Stephen was always fun – whether as a colleague, as the Director of the Human Rights Centre at Queen’s or when he was Head of School carrying out a role which he discharged with characteristic courage and all around general decency. Stephen brought a real and fresh energy to his role as Head of the Law School. He took a pride in ensuring that he took every colleague out to lunch and always tried to offer solutions instead of only identifying problems. He was an enormously fair person both in his thinking and, more significantly, in his actions.

Stephen and I collaborated together academically, in editing a book and writing another – *Reshaping Public Power* – which was to be a significant work for both of us. We were in the process of writing a textbook together. We continually bickered and griped at each in a comfortable and friendly sort of way but I always knew that I was working with someone of very great talent at the very forefront of the field. Indeed only a couple of months or so ago, I was writing up a delayed report for the ESRC who had funded a project on constitutional litigation that we had carried out together. It was a strange experience working through Stephen’s notes and the various conference papers that we had delivered earlier. I could hear his voice quite clearly as I read his words. Also I was continually struck by just how much insight and power there was in his analysis and how much he had to contribute.

I have probably exceeded my time, although there is so much more that I could say. I would however like to finish by referring to a letter from one of Stephen’s postgraduate students that Karen showed me. This student had come from overseas to work on human rights issues under Stephen’s direction. He wrote about how much he will miss Stephen’s advice and guidance, and how he was now even more committed to the human rights field as a way of honouring Stephen’s memory.

His letter concluded by saying how proud he was to have been one of his students.

I think everyone here can say that they too are proud of having known Stephen in some way or other, and of having had their lives touched by his.

I know that I am.