

Prince Saprαι

John's humanity shone not just through his own life, but through the lives of his family, his friends, his colleagues, and his students. That's because John wanted people to live the best lives they could and he was happy to help, whether by listening to them, encouraging them, teaching them, inspiring them, making them laugh, cooking for them, or just looking out for them. He had an amazing capacity for love and cared deeply about those around him.

I want to say a few words about how John improved my life, and about how John thought the point of law was to help people.

I saw John in hospital a few days before he died. I took the bus up from London to Oxford. I knew making that journey that this was probably the last time I would see him. I wrote a list of everything I had to thank him for. It was a very long list.

There was the first time we met. I was an undergraduate student at King's College London. It was 1999, I think. I was struggling with something from Raz. *Some things never change.* I went to see *Dr. Gardner* (as he then was), but without an appointment. He did not turn me away, but instead dropped what he was doing, and spent half-an-hour talking the problem through with me, but like an equal.

Then there was the time a year or so later when he had moved to Oxford, and I had moved back home to Birmingham. I emailed *Professor Gardner* (as he had become) from Birming-

ham Public Library reminding him who I was. I asked whether he would help me with my BCL application. He wrote back saying ‘yes’ and sent me feedback even before I had left the library. He said my personal statement was ‘sycophantic’. I did not know what that word meant. Luckily though I was in a library.

Or the time – now a BCL student – when he and Tony Honoré let me lead a class here in All Souls – like they did with countless other students over the years. I remember beforehand sitting in the Starbucks on Cornmarket going over and over my notes – sick with fear. Looking back though, I now know there was little risk: John made sure every student that presented left feeling that they had done the most amazing job.

Or the time – in 2006 – when I gave my first paper at the Jurisprudence Discussion Group here in Oxford. I did not know who – if anyone – would come. I was just a student. But John came.

Or the time – the end of the DPhil in sight – when I wanted to apply for a Law Fellowship at Oxford. Everyone else told me (and they were right!) that I had no chance. I phoned John and his first words were: ‘I don’t care what they think; why do *you* want it?’ I explained my reasons, and then working with those premises, John convinced me – *absolutely convinced me* – that the job was not good enough.

The bus journey went on and my list grew longer and longer. I realised that I couldn’t read all of this out. Why did John matter to me so much? The answer when it came was quite simple really. John gave me the one thing he saw that I needed: *confidence*. He made me believe – *truly* believe – that if I made the effort and still found something hard it was

not because of *me*, but rather it was because the problem or ‘puzzle’ (as John liked to call it) *was* hard. How lucky I was to meet John when I was so young. To quote my old friend and classmate Chris De Souza who, like me, followed John from King’s to Oxford, John was ‘an angel in my life’.

John improved the lives of others, but that’s what he thought law should do too. A few words about his work on responsibility.

TS Eliot said of Shakespeare that the aspect of human nature that he dramatised better than anyone else is ‘the human will to see things as they are not’. Othello consumed by jealousy murders the innocent Desdemona but in his final moments asks that when we ‘these unlucky deeds relate’ speak of him as he is: ‘Of one that loved not wisely but too well’.

Is there, Eliot asks, ‘a more terrible exposure of human weakness’ than Othello’s attempt at ‘*cheering himself up*’ even in the face of his horrific crime? Othello, Eliot says, turns himself ‘into a pathetic figure, by adopting an *aesthetic* rather than a moral attitude’. Shakespeare’s purpose, according to Eliot, was to show that: ‘Humility is the most difficult of all virtues to achieve; nothing dies harder than the desire to think well of oneself’.

Where Shakespeare dramatised the aesthetic attitude, John brought out – better than anyone else I know – the moral; how we *should* respond to our wrongs. John wanted us to confront them. John thought that the reasons we had not to commit those wrongs don’t vanish when we become wrongdoers, but rather beckon us – in the wake of the wrong – to make things better by offering up our justifications or excuses, or apologising, making reparation, begging forgiveness, and so forth. This

retrospective attempt to comply with the reasons we previously fell short of is, in John's words, 'built into the bricks of rationality'. Rationality does not give up on us even when – like Othello – we do the most terrible things, and perhaps give up on ourselves.

This hopeful attitude was bound up with John's very being. In every supervision I ever had, my limitations – and I had many – were never dwelt on. He had no time for that. He extracted the positive in what he saw and worked with it relentlessly. And that has been a source of confidence my whole life. If John believed in me, how could I not?

As in his personal life, John knew that for people to live the best lives that they could, they sometimes need help. For John, the law too could be a way to overcome human weakness and confront our failings. Even when the accusation is murder, the law will give you an opportunity to offer up your justifications or excuses. As John said of the criminal trial:

'[T]he most fundamental point of all this legal rigmarole, all these pleas and committals and verdicts and even the physical layout of the courtroom with the dock and the stand and the bench ... is to have structured explanatory dialogues in public, in which the object of explanation is ourselves. The point is not a point relative to which the procedure is instrumental; rather the point is *in* the procedure.'

The message of John's work is that the legal system is not just for the benefit of victims or the public, but it plays an important role in the life of the wrongdoer by making sure that she responds *for her own sake* in the right way to her wrong.

Better to assert your responsibility than to evade it by painting a false picture. Why? John explains:

‘[O]ne’s success in seeing reasons, in using them, and in negotiating conflicts among them is an instrument of better living, but also a constituent of it. When tragedy strikes, one may still console oneself with the second aspect. One may say: a life blemished, but at least not blemished for having been lived by a blemished person.’

John was a great scholar and a great man. I have felt his loss more than I have any loss in my life; I miss him deeply, and I cannot even begin to imagine what it is like for his family. I feel blessed that my life – quite by accident – got tangled up with his, and that because of his brilliance, humility, generosity, sensitivity, loyalty and care he made my life much richer than it would otherwise have been.

I am so glad I got to see him and thank him in hospital that day. He, of course, would not take a compliment.

There was a time – the DPhil going terribly – when I did almost quit. I got offered a job in politics. I talked to John about it. I said to John in politics I could make more impact on people’s lives. John said I was right: I could not make the same impact on people in general in academia. However, he said in academia you can make a different kind of impact: on the lives – one by one – of your students. I now know what he meant.

