



ANTHONY MAURICE HONORÉ, QC, FBA (30 March 1921 – 26 February 2019) was a British lawyer and jurist, known for his work on ownership, causation and Roman law.

BIOGRAPHY

Honoré was born in London but was brought up in South Africa. He served in the South African Infantry during the Second World War and was severely wounded in the Battle of Alamein. After the war he continued his studies at New College, Oxford, and he lived and taught in Oxford for seventy years, including periods as a Fellow of The Queen's College and then of New College. Between 1971 and 1988 he was Regius Professor of Civil Law at Oxford and a Fellow of All Souls College, Oxford; for nearly thirty years after retiring from his

Chair, he taught seminars in Jurisprudence for the BCL jointly with John Gardner.

Honoré was a close associate of H. L. A. Hart. They jointly wrote *Causation in the Law* (Oxford, 1st ed. 1959, 2nd 1985) in 1953-8 and Honoré had some influence on Hart's *The Concept of Law* (Oxford, 1st ed. 1961, 2nd 1994). A number of his philosophical papers are collected in *Making Law Bind* (Oxford, 1987) and *Responsibility and Fault* (Oxford, 1999) and his contributions to legal philosophy and Roman law, which range widely, include sixteen books and more than a hundred articles published over the last six decades.

Honoré was an honorary Q.C. and Bencher of Lincoln's Inn, a member of the British and Bavarian Academies and of the International Academy of Comparative Law. In South Africa, his standing has been recognised by the award of honorary degrees from the Universities of South Africa, Stellenbosch and Cape Town. When receiving this last degree, in 1990, he had the opportunity to give an address. He used this opportunity to point to the parallel between the extension of citizenship to all free people in the Roman Empire, regardless of race, sex or religion, by Caracalla in 211 AD, and the extension of citizenship to the whole of the South African population. This he foresaw would need an adjustment of the legal system, and he suggested a constitutional court to carry it through with a parallel to the composition of the German Constitutional Court. Nelson Mandela approved of this. It was put into practice in 1995, and has been a success.

He delivered the Hamlyn lectures (1982), the Blackstone and H. L. A. Hart lectures, the J. H. Gray lectures at Cambridge and the Maccabaeian lecture in Jurisprudence at the British Academy. Three Festschriften have been published in his honour.

- Neil MacCormick and Peter Birks (eds., 1985) *The Legal Mind: Essays for Tony Honoré*
- Peter Cane and John Gardner (eds., 2001) *Relating to Responsibility: Essays in Honor of Tony Honoré on his 80th Birthday*.
- Daniel Visser and Max Loubser (eds., 2011) *Thinking about Law: Essays for Tony Honoré*;

LIST OF PUBLICATIONS

Books

- *Gaius: a biography* (Oxford, 1962)
- *Tribonian* (London, 1978)
- *Sex Law in England* (London: Duckworth, 1978)
- *Emperor and Lawyers: with a paligenesia of third-century imperial rescripts 193-305 AD* (London, 1st ed. 1981; Oxford, 2nd ed. 1994)
- *Ulpian: pioneer of human rights* (Oxford, 1st ed. 1982; 2nd ed. 2002)
- *The Quest for Security: Employees, Tenants, Wives* (London: Stevens, 1982)
- *Causation in the Law* (Oxford, 1st ed. 1959; 2nd 1985) - with H. L. A. Hart
- *Making Law Bind* (Oxford, 1987)
- *Concordance to the Digest Jurists* (Oxford: OMP, 1980) - with J. Menner
- *About Law: an introduction* (Oxford, 1995)
- *Law in the Crisis of the Empire 379-455 AD: the Theodosian dynasty and its quaestors* (Oxford, 1998)
- *Responsibility and Fault* (Oxford, 1999)
- *Justinian's Digest: character and compilation* (Oxford, 2010)

Articles

- "Responsibility and luck: the moral basis of strict liability" (1988) 104 *Law Quarterly Review* 530

Source: https://en.wikipedia.org/wiki/Tony_Honor%C3%A9

Tony Honoré 1921- 2019

Tony Honoré, who died peacefully on 26 February 2019 at age 97, was a titan of the Oxford Law Faculty. He taught Oxford students for a record-breaking 70 years (from 1948 to 2017), shrugging off his official retirement from duties in 1987.

His scholarship crossed many boundaries without diluting its influence or excellence. His skill as a linguist made him an equally skilled legal comparativist, and he was elected to Oxford's chair of Comparative Law in 1970. He never took that chair up as he was promptly (and by a somewhat mysterious process) offered the Regius Professorship of Civil Law, which he preferred. As Regius Professor, based at his beloved All Souls College, he was best known for his research into Roman law and its institutional history, on which he published seven books across 50 years. The methodological innovations of *Tribonian* (1978), *Emperors and Lawyers* (1981), and *Ulpian* (1982) did not go unresisted by critics but also attracted many defenders and have stood the test of time. Honoré was also a major figure in the development of South African private law, most notably from 1966 onwards as author (later co-author with Edwin Cameron) of *The South African Law of Trusts*. These specialities were not, however, at the expense of a wide-ranging mastery of English law, displayed to best effect in the encyclopaedic work *Causation in the Law* (1959, 2nd ed. 1985). This book, co-authored with H.L.A. Hart, also inaugurated the career of Honoré the distinguished philosopher of law. His philosophical writings on property, rights, justice, and (especially) responsibility are very widely read and set the main course of his post-retirement career. His work is cited under fourteen headings in the current *Stanford Encyclopedia of Philosophy*, sometimes bearing the name 'A.M. Honoré' which he used on his published works until 1980.

Born in Hampstead in 1921 to an émigré French father and English mother, Honoré was brought up in South Africa from age six onwards. He studied abortively at the University of Cape Town in 1939-40 before volunteering to join the Allied war effort, which brought him in due course to the North African campaign. Grievously injured in the battle of El Alamein in 1942, he was rescued by plucky battlefield comrades only to come near to death twice under the surgeon's knife in Beirut. Shrapnel, and a whole bullet, remained in his body for the rest of his life and left him with some mobility problems and severe loss of hearing in his right ear (not to mention delays at airport security). After the war, he was elected to a Rhodes Scholarship and arrived in Oxford to study law at New College. There being no college law tutor at the time he was farmed out and enjoyed only a rather dilapidated undergraduate legal education. He came into his own as a BCL student in 1947-8 and won the Vinerian Scholarship for best overall performance. He was quickly offered a teaching job at Nottingham but Nottingham was equally quickly outbid by Queen's in Oxford. There he was lucky enough to meet Tony Woozley, a philosopher with an interest in the law. In 1951 the two of them put on a now-famous class called 'Philosophy and Legal Concepts' which was attended by various soon-to-be luminaries of Oxford's 'ordinary language philosophy'. H.L.A. Hart, then a philosophy tutor at New College but soon to be Professor of Jurisprudence, came to give a talk on intention and this cemented

the friendship with Honoré that led to their later collaborations. In 1964 Honoré made a sideways move to New College. By then University Reader in Roman-Dutch Law, he could only teach limited tutorial hours for the college, so the college appointed Patrick Atiyah as a second law tutor.

These and other great names of the era tell us that this was a period when the Oxford Law Faculty was intellectually on the rise, and Honoré was one of those who drove it onwards and upwards. That trend continued once he became Regius Professor. Sixteen years later, on retirement from his chair, he was Acting Warden of All Souls for two years, and in that role he pushed through difficult reforms that changed the balance of the college in favour of more full-time scholars. At around the same time, he took an active interest, and a measured role, in the politics of his adopted homeland of South Africa. He was an influential public advocate of the plan for a Constitutional Court that was subsequently taken up by Nelson Mandela and that has played a major role, mostly very constructive, in the country's recent history.

Honoré was a much-loved teacher and his continuing to teach into his 90s was a source of much amazement and admiration, not least on the part of this obituarist (who was his co-teacher for 30 years, 1988 to 2017). One former BCL student writes: 'He was a generous teacher and always had a rare twinkle in his eye when engaging in legal discussion.' One Oxford colleague writes: 'Although a giant in his field, Tony's most striking quality was his humility. Having taught until a year ago, he retained always the most profound intellectual curiosity.' He took an extremely serious attitude to both scholarship and teaching which did not, however, stand in the way of his irreverent sense of humour or his ability to conjure up the most charming turns of phrase. Even within the last year of his life he could be found at occasional conferences and workshops, at which he could still be relied upon for a perfectly-timed and perfectly-formed intervention. Many of us in Oxford, and in the wider intellectual world, will miss his kindly but definite way with people, and his self-deprecating wit, as much as his polymathic brilliance.

John Gardner
All Souls College
27 February 2019

Source: <https://www.law.ox.ac.uk/news/2019-03-05-tony-honore-1921-2019>