



Eulogy for Professor Arthur Ralph Carnegie

The Honourable Mr Justice Winston
Anderson, Judge of the Caribbean Court
of Justice

Eulogy at the Funeral of the Late Professor Arthur Ralph Carnegie

St. Patrick's Roman Catholic
Cathedral
Barbados
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Professor Arthur Carnegie was born in Jamaica in 1936 and graduated in History from the University College of the West Indies (UCWI), the forerunner of the UWI. As a Rhodes Scholar, he studied at Jesus College at Oxford, earning first class honours in Jurisprudence before joining the Cave Hill Campus as one of the founding professors at its Law Faculty, where he remained for 40 prolific years. Professor Carnegie was one of two Professors of Law when the Cave Hill Campus established its Law Faculty in 1970. He acted as Principal at Cave Hill, and was Deputy Principal for six years, and served as Dean of the Law Faculty for five terms. He served on the Regional Judicial and Legal Services Commission, a CARICOM Technical Working Group reporting on CARICOM Governance and a Task Force on Economic Union for the Organisation of the Eastern Caribbean States.

REMARKS

By

The Honourable Mr Justice Winston Anderson, Judge of the Caribbean Court of Justice,

on the occasion of

The Funeral of the Late Professor Arthur Ralph Carnegie

18 January 2011

“I weep for Adonis, he is dead.

Peace, peace, he is not dead, he does not sleep.

He has awakened from the dream of life.

‘Tis *we* who lost in stormy visions keep

With phantoms an unprofitable strife

And in mad trance strike with our spirits” knife... He has
outsoared the shadow of our night.

From the contagion of the world’s slow stain he is secure.”

These poignant and beautiful lines come movingly from the poem, “*Mourn not for Adonis*”, written by the great English poet Percy Shelly in lamentation at the untimely death of the poet John Keats, and they resonate with three equally exquisite lines from *A Course in Miracles*:

“Nothing real can be threatened.

Nothing unreal exists.

Herein lies the peace of God.”

But we who remain are but human beings. Whilst in our being, we acknowledge the truth of the immutability of God’s reality, our common humanity, still ensnared in the net of space and time, must perforce groan in lamentation as we weep for our departed, dearly beloved, teacher, colleague, mentor, and friend: Arthur Ralph Carnegie.

And so, in open admission to the frailty of our human nature, we heed the admonition: "Let us now praise famous men and our fathers that begat us." These words from Ecclesiasticus commend themselves to us on this day; for, as we think of Ralph Carnegie, now radiantly an indelible part of our history, we acknowledge that he was both father and prince to the vast majority of us who follow the vocation of the law.

He was there at our inception in 1970, when the Faculty of Law was formed, being one of the two founding Professors of Law. For forty years he drove generations of law students to distraction with the brilliance of his intellect and his subtle and piercing wit. For forty years too, he dazzled the Caribbean with his scholarship; his supreme commitment to the University; his dedication to legal education, law reform, and regional integration; his debonair charm; and his stately deportment.

Oh, that we mortals should in one hundred years, see his like again!

We, who linger in the dream of life, would do well to ponder the qualities that this brilliant man brought to his tested and, in the end, triumphant life.

Arthur Ralph Carnegie was born on the eleventh day of June 1936, in the parish of St. Andrew, Jamaica. He died on the seventh day of January 2011, in the parish of St. Michael, Barbados.

Those of us privileged to have known him for some of those 74 years are truthful witnesses to the breadth and rarity of his brilliance, his sweet and genteel character, his integrity, his stoicism, and his humility.

Long before he condescended to cast his lot with us, Ralph was on his way to being an icon up at Oxford, and before that, a prodigious mind in his native Jamaica. Young Ralph attended Jamaica College from 1946 to 1954 and won the coveted academic appointment as Assistant Master of the College, from 1955 to 1956. There he taught Second Form which included Patrick Robinson, now President of the International Criminal Tribunal for the Former Yugoslavia. Three years later, Ralph took First Class Honours in History at the University (College) of the West Indies and won the prestigious Rhodes scholarship, which he took up in 1960 at Jesus College, Oxford. He graduated in 1962 with First Class Honours in Jurisprudence.

Thus, by his scholastic achievements at the tender age of 26, he was clearly giving early signals of the forensic greatness his future course would take. Following a research stint at Nuffield College, Oxford, where he counted among his pupils, Rolston Nelson, now Judge of the Caribbean Court of Justice, Ralph became an Oxford Don. Revered for his complex and searching intellect, his students called him the “Black Pearl”. This was not a title acquired by happenstance. Beginning in the early-1960s, at a time coinciding with the award of Caribbean political independence, Ralph occupied such lofty positions as Lecturer in Law, Fellow and Tutor in Law, Junior Dean, and Secretary to the Governing Body of Jesus College. He outgrew Jesus College, so that between 1965 and 1970, he served as University Lecturer, Law Moderator, and Member of the Board of the Faculty of Law of Oxford University.

Ralph was an academic to his core, yet as a precaution, he served a Chancery pupillage in 1970 with N. Brown-Wilkinson Esq., now Lord Brown-Wilkinson, Lord of Appeal in

Ordinary, and became a Barrister of England and Wales with membership at Gray's Inn. But his love of learning was too joyously spontaneous to be imprisoned in a court-room. And his enduring love for this Caribbean and its people, taking their first tentative steps as independent sovereign states, was too acutely felt for him to follow the natural trajectory of a distinguished academic career in the United Kingdom. It was time to return home. Plus, he was now 34, and felt it was time to wed, and he wanted to marry a Caribbean woman.

So, it was our incalculable good fortune that Ralph decided to return to the region in 1970 to take up his Chair at the inauguration of the Faculty of Law. His fame from Oxford paved the way, but in his intellect and princely bearing, he walked the academic path as of right. He was to enjoy the most coveted of all distinctions – he became a beloved legend in his own lifetime.

Those among the first batches to whom he expounded on international law and on constitutional law, got the full brunt of the glory of his prime. They unanimously report that they were over-awed by him. Blessed with a phenomenal memory, the historian in him delighted in carrying principles and cases in his head dating back to the earliest of times of the common law and of equity. He interwove these principles with the law enshrined in our new constitutions, with effortless ease. Eclectic in his marshalling of legal materials, skillful in distinguishing between them, relentless in his pursuit of the countless alternative possible conclusions to which they gave rise, he was marked for reverence and adulation. Many surreptitiously taped his lectures and threw away their text books as poor substitutes.

Rumours spread that Professor Carnegie was dating a Jamaican damsel named Jeniphier; a Librarian who worked at the Cave Hill Campus. His students were entirely incredulous, considering such mundane matters to be beneath the man. Then news broke that he had actually married Jeniphier in Jamaica in 1972, and the student body decided to take an unofficial day off in

celebration. And a year later, in 1973, when Martin was born, several students seriously considered petitioning the Barbados Government to declare a Public Holiday. By the time Helen (1975-2000) and David, 1979, came along, the novelty, it seems, had worn off, at least somewhat.

I met Ralph in 1981, a decade after his return from England. Having heard that the great man was to take us in the law of contract, we held our collective breath in the law lecture theatre as the moment drew near. Professor Carnegie strolled in; pockets stuffed to overflowing; a picture of concentration; and bearing two large, travel-worn, briefcases; which he gently deposited at one side of the lectern. Our apprehension increased when he disappeared without a word, only to reappear shortly thereafter with an armful of law reports which he placed in precise formation on the table at the other side of the lectern.

Then he spoke.

He warned us that he was not going to be following the orthodoxy of the textbooks by teaching the basic elements of offer, acceptance, and consideration - the usual foundation for understanding the more advanced concepts in contract law:

“No, **I** am going to start with the doctrine of Common/Fundamental Mistake.

Now some of you may think it is a mistake, to start with Mistake.

But I assure you, you will not understand it, no matter when it is taught

So, we may as well get it out of the way.”

For one full and frightful hour he sauntered the length of the lecture theatre, back and forth, sometimes restless in his exuberance, occasionally pausing to run his curved fingers through his

hair, or to levitate a pen in the palm of his open hand, seemingly oblivious to the brief cases, the law reports, or his lecture notes, as he expounded to us on the principles of Common/Fundamental Mistake in the law of contract. Oh, he was such a great teacher, and a wonderful entertainer! His art in throwing down the gauntlet in challenge drew us to him. I must confess that not many of us understood a word he said that day to us about “Mistake” but we were all very confident that he did.

He held his chair for 36 years. Through students privileged to have sat at his feet, he has populated every possible position in our legal systems: Prime Ministers; Attorneys General; Members of Parliament; Ministers of Legal Affairs; Justices of the Caribbean Court of Justice; Chief Justices; Justices of Appeal; Justices of the High Court; Directors of Public Prosecution; Chairmen of the Council of Legal Education; Principals of the Norman Manley, Hugh Wooding, and Eugene Dupuch Law Schools; Deans of Law; Professors and Lecturers in Law; Attorneys-at-Law; and his current PhD and LLM students. And the list goes on and on and on.... stretching throughout the very form and fabric of our governance arrangements.

Here is not the place for a full and proper exposition of the scholarship that is Ralph Carnegie’s matchless contribution to the law. The man was undoubtedly a genius. He must have written on nearly every conceivable aspect of the law needful to guide a young legal system such as ours, and he published in almost every law journal worthy of the name. Thus, he has left behind, a vast body of work, the aggregation of his forensic talents, his scholarship, his erudition, and his legal philosophy, all precisely indexed and cross-referenced, that will guide generations yet unborn.

Outside of his mastery in the class room, and his extraordinary record of research and publication, Ralph served the University with complete and selfless devotion. He was the revered Dean of Law for three terms: 1973-1976; 1982-1984; and 1986-1989. He was the eulogist who lamented the fall

of his comrades in the Faculty. He was an expert, first at the PC and, when that became less fashionable, at the lap-top, though he preferred word perfect to the more modern incarnations. For over a decade, from 1995 to his retirement in 2006, he was the Executive Director of the Caribbean Law Institute Centre (“CLIC”) a Faculty research unit, which under his leadership, was designated by treaty an Associate Institution of the Caribbean Community. He was acting Principal and Pro-Vice Chancellor, Cave Hill Campus, University of the West Indies, from 2000-2001.

Ralph’s official “retirement” in 2006 was merely an arranged nomenclature for him to transition to purely teaching and advisory capacities within the University. Even to the very last days of his sojourn with us, he remained the unquestioned institutional memory of the University; the chairman and grandmaster of its Senate Committee on Ordinances and Regulations; its point person on pensions and retirement benefits; and its trusted adviser.

The University was undoubtedly *his* Ivory Tower, and men and States came in pilgrimage, seeking out his wise advice and counsel. He was exceedingly generous with his knowledge and always answered the call to service, no matter the impact on his sleeping requirements, or other concerns of his physical person. He could never refuse public service to the governments of the region. So, he served on the Status of Women Commission of Barbados; the Judicial and Legal Service Commission of Barbados; the Constitution Review Commission of Barbados; the Grenada Constitution Review Commission; and the Constitution Review Commission of Antigua and Barbuda.

His fame preceded his every step. The region, jealous of the Member States, soon made more direct calls upon him beyond his executive directorship of CLIC. Beginning in 2005, he was the Drafting Consultant for the Task Force on OECS Economic Union; and the Community’s adviser on the relationship between CARICOM and Its Institutions. In 2006, he was appointed Member of

the CARICOM Technical Working Group on Governance. And in 2007, Ralph joined an old Oxford colleague, The Right Hon. Michael de la Bastide, as a Member of the Regional Judicial and Legal Services Commission, the body responsible for the appointment of judges to the CCJ.

His legal duties allowed Ralph to indulge in one of his great passions: the love of travelling. He travelled to exotic countries as well as to familiar places in the Caribbean, with equal enthusiasm, sometimes by the most circuitous routes, and always with his legendary travel paraphernalia. When I once questioned the wisdom of thus burdening his travels, he retorted that he had once, many years ago in Mauritius, been invited by a Law Lord on a fishing trip, but much to his chagrin had turned up in inappropriate attire. He intended to take precautions against that ever happening again!

Ralph loved fine dining and exquisite wines. He loved reggae and the classics in equal measure. He followed cricket and the fluctuating fortunes of the regional team. He was an expert on diverse topics. He cared deeply for people and loved to communicate with the ordinary man; and they in turn, cared deeply for him. He was ever so courteous to all.

He was a man of deepest religious conviction, steadfast principles, and the highest integrity. In the 30 years I knew him, I never once heard him say an unkind word about anyone. On the contrary, he delighted in playing “Devil’s Advocate”, especially at his own expense, explaining with multiple alternative possibilities, defensible reasons for the seemingly unreasonable conduct of others. Oh, he was such a gentleman!

And, above all, he loved his students, all his students. From the first batch he taught in 1970, to those still reading his courses three weeks ago when his course was cut short, he seemingly remembered and carried with him, our names and our faces and our first impressions on him. In his unbridled pride in our achievements, in his utter deference to the offices we attained, in his

sense of guardianship of our legal culture; Ralph seemed to have realized a promise made to prompt his departure from Oxford; a promise first made to Abraham as reported in Genesis chapter 15, verse 5:

“And He brought him forth abroad and said: “Look now towards heaven and tell the stars; if thou be able to number them”. And he said unto him, “so shall thy seed be.””

When in 2007, he was made Professor Emeritus, and the main lecture theatre in the Faculty of Law, the lair of his marauding days, renamed in his honor, Ralph, in a rare public show of emotion, close to tears, said that this tribute was the highest possible honor of his life. Not so for us, his students, in whose frail forms he beheld his own luminosity. For us, no accolade could get at the measure of this rare and cultured genius who had willingly given the entirety of his life in service to the University and to us; this peerless jurist who has invested the legal systems of a whole region with coherence, sophistication, and learning.

For the wisdom and excellence of his dedicated service in the law to us, he truly deserves to receive, albeit now posthumously, this region’s highest award, the Order of the Caribbean Community.

On behalf of the President of the Caribbean Court of Justice, The Rt. Hon. Mr. Justice Michael de la Bastide, and on my own behalf, I extend sincere condolences to Jeniphier, Martin, and David who, together with Helen, were the loves of his life; to the University Community; to the legal fraternity; and to the people of the Caribbean.

Arthur Ralph Carnegie, the father of our jurisprudence, was a towering figure who gave lineage and flair and erudition to our profession. He was a prince of intellect, of wit, and of graciousness.

“Good night, sweet prince: And may flights of angels sing thee to thy rest.”

Rest in Peace.

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