

Memorial Service for the  
Hon GFK Santow AO, BA LL.M HonLLD *Syd*  
6pm Wednesday 23 April 2008  
The Great Hall, The University of Sydney

**Eulogy delivered by Dr Pierre Ryckmans**

It is simply as a friend of Kim that I wish to say a few words. It is often said-- rightly so-- that our most precious friendships are those which we formed in our youth. In contrast, friendly associations which we make later on in life seldom have the same quality; to some extent they always carry a certain element of social convention; unlike our earlier friendships, they are less spontaneous and less disinterested.

This gratuitous quality of youthful friendship was best expressed five hundred years ago by Montaigne as he was mourning his dearest friend Etienne La Boétie. La Boétie was a very talented man, an original thinker, a good writer. After having duly extolled his friend's many achievements, Montaigne concluded memorably: 'But now if you press me to explain why I loved him, I can only say this: because he was he, and I was I' (*parce que c'était lui, parce que c'était moi*)

Someone asked me the other day how and when Kim and I became friends. I was taken aback and at first could not reply. The reason of my hesitation is simple: I feel as if I had known him for a very long time -- whereas in actual fact, we met quite late (he was already a Judge, and I had already retired from the University).

Kim's professional associates, his brother-judges, his academic colleagues will all be able to describe and praise much better than I could ever do, the many achievements of his richly diverse career. Here I wish only to remind you that these remarkable achievements all originated from one deep source: Kim's *humanism*.

In an age like ours, when we see the professions and even the university (alas!) being increasingly dominated by a modern breed which an old teacher of mine used to call 'Les Brutes Spécialisées' (how to translate this? Specialised brutes? Brutish specialists?) --Kim could genuinely appropriate the magnificent claim of the Latin poet: "Homo sum. Humani nil a me alienum puto". (I am human. In my view, nothing that is human should be indifferent to me)

And indeed Kim's intellectual curiosity was boundless. He loved the arts. Music nourished his soul. Books were his constant companions. He relished the exchange of ideas. His conversation was a delight, it roamed wide -- when chatting together, or when writing to one another, in turns, he made you ponder over the mystery of evil, or marvel at the beauty of the world, he made you consider the tragedy of man's fate or smile at the comedy of human existence -- not forgetting on the way to exchange observations on the psychology of our respective cats.

With great generosity he shared his enthusiasms, his readings, his thoughts.

I will give you only two small examples; I think that, in a way, they do reflect how his inner values inspired and guided his public activity.

One day, as we were chatting about Turgenev's novel, *Fathers and Sons*, he asked me whether I knew the essay which Isaiah Berlin had written on this book. I did not know it, and he lent it to me. In his copy, I found that he had underlined the following passage:

*‘Unlike his great contemporaries, Tolstoy and Dostoevsky, Turgenev was not a preacher and did not wish to thunder at his generation. He was concerned, above all, to enter into, to understand, views, ideals, temperaments, both those which he found sympathetic, and those by which he was puzzled or repelled. Turgenev possessed in a highly developed form what Keats called negative capability, an ability to enter into beliefs, feelings and attitudes alien, and at times, actually antipathetic to his own’*

In his reading of Turgenev, Berlin expressed great empathy -- and in turn, so did Kim himself in his reading of Berlin. Think of it: Negative Capability – “the ability to enter into beliefs, feelings and attitudes acutely antipathetic to one’s own” --is this not the first (and rarest) quality of a good judge?

My second example is taken from Kim’s farewell address to the Supreme Court. Needless to say, this recent address is now acquiring even more weight and poignancy. To sum up what he had learned from a lifetime experience of the law, Kim chose to quote from another judge (remark that sometimes, when we quote, we can reveal more of our innermost beliefs than when we speak in our own persona):

*‘A legal answer which offends common sense or basic fairness is usually wrong, however cleverly contrived’.*

I wish these words were carved in letters of gold in all the courtrooms of the land! They express the wisdom of a man who endeavoured to steer both his professional and his personal life by the twin lights of reason and justice.

Finally I come to my most important point.

Samuel Johnson said that a man is only half a man until he takes a wife. Kim knew the profound truth of this, through personal experience. This is another thing we had in common; actually it may well have been the invisible cornerstone of our friendship.

As we praise his many achievements, let us not forget that his greatest achievement was to be the man he was -- and whom his beloved wife Lee, and their three devoted sons enabled him to become.

Forgive me if I finish her with the last five lines of an arch-famous poem by Philip Larkin -- it is so often quoted, but its triumphant final line can never become a cliché. Larkin was describing a mediaeval tomb: husband and wife, lying side by side, their stone figures transcending a past reality, so remote that it could no more be known:

*.....The stone fidelity  
They hardly meant has come to be  
Their final blazon, and to prove  
Our almost-instinct almost true:  
What will survive of us is love.*