

TEXT OF THE INTRODUCTORY ADDRESS delivered by: **MS CLIONA DE BHALDRAITHE MARSH**, on 2 December 2009 in the Royal Hospital Kilmainham, on the occasion of the conferring of the Degree of Doctor of Laws *honoris causa*, on **DONAL BARRINGTON**

A Sheansailéir, a mhuintir na hOllscoile agus a dhaoine uaisle,

When one of Justice Barrington's grandchildren heard of this forthcoming honorary degree he asked: 'how many exams did he have to do to get this?' This citation will go some way towards explaining why the NUI wishes to confer the Honorary degree of Doctor of Laws on Mr Justice Barrington, who is accompanied here today by his wife Eileen, his four children and two of his grandchildren.

Mr Justice Donal Barrington is a native of Dublin. He graduated from UCD sixty years ago being awarded a first class honours BA in Legal and Political Science; an LLB in 1951 and an MA in 1952; the topic of the thesis was Edmund Burke. He was called to the bar in 1951.



In 1954 Donal Barrington was a founder member and first president of Tuairim; a think tank long before the word entered our vocabulary. It sought to explore and open up public debate in the interests of greater openness and critically assess state policies. Some of the areas debated included Fisheries, Economic development, Ireland and the UN, and the European challenge. Northern Ireland, partition and the northern conflict were also major themes. Donal Barrington was a leading figure in this group, together with such people as David Thornley, Frank Winder and Kevin Clear. Justice Barrington's interests in Northern Ireland and Human Rights remain with him throughout his life.

As one of the founder members of the Irish Council for Civil Liberties, together with Mary Robinson, he has played a leading role in some of Ireland's most successful human rights campaigns.

Justice Barrington is undoubtedly recognised as one of the most important intellectual voices of Modern Ireland. He is not simply eminent in the legal world: he is one of its pre-eminent figures. This fact is attributable not only to his brilliance as a lawyer, but his character as a man. As a barrister, a judge and First President of the Human Rights commission his reputation of itself connotes the fundamental values of fairness, moral integrity and courage.

Character is defined and identified in adversity; never more so than in his case. His greatness is marked not just by what he has achieved but simply who he is.

Donal Barrington did not come from 'a legal background'. His career path as a junior counsel was the very antithesis of the 'safe, fashionable and profitable' avenue sometimes available to the few who have legal or other 'connections'. Supported by his no less great companion in life, Eileen, he consciously chose and travelled a harder path when he might have made 'easy' and more profitable choices. His strength of character and integrity was the more marked, because his early career came at a time when financial survival was at a premium and even the opportunity of professional achievement was denied to many, by sheer economic hardship. He never, ever, compromised his professional or personal independence.

It is universally acknowledged that as a senior counsel he participated in, indeed led a revolution in constitutional law. He was a human rights champion before human rights were generally acknowledged as an issue, still less as a field of study or work.

His social concern for great principles is matched by his empathy for individuals and their idiosyncrasies. Newman defined a gentleman as one who never inflicted pain; Donal Barrington is all of that: a gentle yet great man. He has the ability to combine intellectual brilliance with great generosity of spirit. His daughter, when called to the bar, discovered that her father's court was called 'Pets Corner', because of the support and mentoring he gave to the young barristers. Mol an óige agus tíochfaidh sí.

He served as chair of the Bar council and as a true moral leader of the bar; Donal's remarkable but always humane gifts were but never more evident than in his career on the High Court bench, at the Court of First Instance in Luxembourg, and ultimately as a wise and innovative Irish supreme court judge. His legacy in jurisprudence is marked not only by his wonderful ability to enshrine in legal form the tolerant ethos and values of a New Ireland that he so courageously espoused as a young man, but also by the personal qualities which others sought to emulate, but could never equal. He has left a legacy of many publications on legal and related matters.

It is therefore no surprise that Donal Barrington should have been appointed first President of the Irish Human Rights Commission when that body was established as part of the Good Friday/Belfast Agreement. The first holder of the office would be crucial in establishing public recognition and acceptance of the new office and he invested in it his recognised reputation for integrity, good judgement, legal depth and a lifelong practical commitment to the cause of human rights.

His devotion to human rights was neither trendy nor opportunistic. It was hard won, at the time when many of the causes he championed were not popular and were unlikely to ingratiate him with most of the then Irish establishment. Whether it was the anti-apartheid movement or in his public opposition to the 'Heavy Gang' or in his work with Tuairim, Donal Barrington was an ever present figure providing intellectual leadership **and equally importantly never afraid to take his place in public protest, speaking at hostile meetings** or challenging the conventional wisdom

The Good Friday Agreement also provided for a Joint Committee of the Northern and Southern Commissions and it was entirely appropriate too that Donal Barrington should have been its first co-chair. It was in this capacity that he was invited to address the congregation from the pulpit in St Patrick's Cathedral the second catholic ever to do so.

It was a ground breaking and brave speech by Donal to the Left Review group in Belfast in September 1958, which called for a new form of nationalist organisation.

He argued that if better relations were to develop in Ireland there would have to be 'self-restraint and sacrifice from the three parties primarily concerned – the Northern Protestants, the Northern Catholics and the South.' This was 1958 and we can all only regret that it took almost 40 years of death and destruction before the core reality of his assessment was accepted

But his words did make an impact. In 1969 Erskine Childers asserted that Barrington's speech, later published as a pamphlet had changed thinking on the subject and had been an important factor leading to the meetings between Mr Lemass and Captain O'Neill. Garret FitzGerald later wrote that the pamphlet was 'the first major challenge to traditional irredentist anti-partitionism', thus tracing a rethinking of the Southern approach to Northern Ireland to Donal Barrington.

He steered the Human Rights commission through a difficult, fractious and controversial first year and handed it over with its foundations securely established and in good working order when he stepped down.

Donal and Eileen have been avid fans of the Wexford Opera for the last 50 years; even when in Luxembourg they managed to return for the opera festival. He is also very interested in gardening and I hope that having served his country, people and profession so admirably that he may continue to enjoy life with his wonderful partner Eileen, his children and grandchildren.

PRAEHONORABILIS CANCELLARIE, TOTAQUE UNIVERSITAS:

Preasento vobis, hunc meum filium quem scio tam moribus quam doctrina habilem et idoneum esse qui admittatur, honoris causa, ad gradum Doctoratus in utroque Jure, tam Civili quam canonico idque tibi fide mea testor ac spondeo totique Academiae.