

OLLSCOIL na hÉIREANN
NATIONAL UNIVERSITY OF IRELAND

TEXT OF THE INTRODUCTORY ADDRESS DELIVERED BY
PROFESSOR DENIS I.F. LUCEY, Vice-President, University College Cork
- National University of Ireland, Cork, on 22nd April, 1999, on the occasion of the
conferring of the Degree of Doctor of Laws, *honoris causa*, on **THOMAS F.**
O'HIGGINS

A Sheansailéir agus a mhuintir na hOllscoile

In the early years of the second decade of this century two young students of University College, Cork developed an attraction to one another. Thomas Francis O'Higgins was a medical student while Agnes McCarthy was pursuing an Arts Degree. They were married in 1915 and went to live in County Kildare. It was customary at that time - particularly in Cork - for a mother expecting her first child to return to her maternal home for the birth. And so it came to pass that another Thomas Francis O'Higgins was born in the McCarthy residence at Sunday's Well, Cork on 23 July 1916.

Tom was educated at St. Mary's College, Rathmines and Clongowes Wood College, entering University College Dublin in 1934 to pursue the combined King's Inns and UCD legal course. He graduated with First Class Honours in Legal and Political Science in 1937, obtained First Place in the Bar Final Examinations in 1938 and won the Senior Victoria Prize.

Apart from a First Year "Rag Day" event which led to a photograph of Tom, clad in a white dress with suitable make-up, appearing in the Sunday Independent, and a brief rugby interest until his left shoulder was dislocated, Tom became active in the L&H in his second year. He helped found the Law Society in 1936, becoming its second auditor in 1937. He was next elected Auditor of the L&H, giving his Inaugural Address in December 1938 on 'Nationalism in Ireland', with An Taoiseach, Eamon DeValera and General Richard Mulcahy among the speakers to his paper.

From 1938 to 1948, Tom developed a reasonable junior bar practice, being naturally attracted to the Midland Circuit, as his grandfather had settled near Stradbally in the 1880s. He also found time to develop his skills at fishing and at golf, until Tom met Terry Keane in Ballybunion in August 1947. After ten days they announced their engagement.

Tom O'Higgins and Terry Keane married in April 1948, shortly after Tom's election as TD for Laois-Offaly. At this stage, I must add that the family name O'Higgins, or O hUiginn in Irish, literally means 'descended from the Viking'. One day, during their honeymoon in Parknasilla, Tom felt such a surge of vestigial Viking sea roving skills that he brought Terry in a rowing boat to one of the small islands visible about a mile off-shore. Arriving at the island, our hero leaped ashore, lost his footing on a slippery ledge, heard a click, felt an agonising pain and realised that his left shoulder had been dislocated once more - a truly memorable honeymoon.

Tom's common-law experiences were leading him to strive continuously for pragmatic mechanisms by which the institutions of state could evolve or be reformed to serve the people better. As Minister for Health between 1954 and 1957, Tom designed and negotiated the implementation of the controversial Health Act of 1953 thus bringing, in a dignified manner with a choice of doctor, a range of medical services to various priority groups of eligible persons. He then developed the Voluntary Health Insurance Scheme to cater for the needs of people outside the scope of the Health Act. He had defused a charged situation and had designed workable solutions acceptable to the various groups of clients and service providers.

As Ireland entered the 1960s, Tom O'Higgins was to the forefront in leading a movement to modernise Ireland and to bring about change towards a more socially just and pluralist society. In 1950 Tom had been chosen as one of Ireland's first representatives in the Council of Europe, so it was natural for him now to become an active and leading member of the Irish Council of the European Movement, becoming its Chairman and later its President.

At the age of 49 in 1966, Tom O'Higgins stood for the Presidency of Ireland. He polled a remarkable 49.5% of the votes cast and came within 11,000 votes of the legendary Eamon de Valera, not realising until later, in his own words, "how dangerously close I had been to winning", as thousands of Dublin voters had flocked to the seaside without recording their votes on one of the warmest days of that year. It is interesting to wonder whether the Presidency at that stage would have stifled Tom or whether he could have succeeded in enhancing the Office in the manner which has been achieved by Presidents from a subsequent generation in recent years.

Tom retired from politics in 1973 after a 25-year career in the Dail. Later that year he was appointed a Judge of the High Court and in 1974 was appointed Chief Justice of Ireland.

Judgements by Tom O'Higgins have repeatedly stressed the importance of justice and fairness in the application of law and generally in the exercise of any administrative authority. For him, of course, fairness to individuals or groups went hand-in-hand with the simultaneous need to protect and foster the evolution of the institutions of government

Most famously, perhaps, Chief Justice O'Higgins delivered the 1982 Supreme Court judgement in the McGlinchey case in which he laid down that a charge associated with violence or terror should not of itself be assumed to be a political offence such as would justify refusal of extradition. Rather, the onus of establishing political status would rest, in any particular case, upon the person seeking asylum in our jurisdiction - a practical solution balancing the interests of the individual and of the State.

In 1985 Tom O'Higgins was appointed Judge of the Court of Justice of the European Communities, bringing his pragmatic common-law skills and sense of fairness to the deliberations of Europe's highest legal tribunal. To mark Tom's retirement from the Court, a book of essays in his honour was published in 1992. In her preface, the then President of Ireland, Mary Robinson, had this to say about Tom O'Higgins:

"He and his generation were shapers and builders of our society. They worked for little gain. They put up structures and institutions which shelter us, while keeping all those wonderful and nurturing values of family and friendship without which such institutions and structures could quickly become cold and oppressive. They had a sense of humour and a zest for social occasions. And in all of this, I think Tom O'Higgins is one of their finest representatives".

PRAEHONORABILIS CANCELLARIE, TOTAQUE UNIVERSITAS:

Praesento 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.