GRIFFITH UNIVERSITY

GRADUATION CEREMONY

GRIFFITH BUSINESS SCHOOL, GRIFFITH LAW SCHOOL

BRISBANE CONVENTION AND EXHIBITION CENTRE

TUESDAY, 16 DECEMBER 2008

BUT THE GREATEST OF THESE IS LOVE[1]

ADDRESS ON THE CONFERRAL OF THE HONORARY DEGREE OF DOCTOR OF THE UNIVERSITY

The Hon Justice Michael Kirby AC CMG[*]

SALUTE TO THE GRADUATES

It is a great honour for me to receive the degree of Doctor of this University, named as it is after the first Chief Justice of the High Court of Australia, Sir Samuel Griffith. To receive it from the Chancellor, whose long service to the community and the University is an example to us all. To be presented by Professor Ian O'Connor, the distinguished Vice-Chancellor and President. To be here, and given a voice to speak on this occasion for my fellow graduates. They won their degrees by burning the midnight oil; attending uncounted lectures; and by suffering

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[1] 1 Corinthians, 13, 13.

[*] Justice of the High Court of Australia.

the horrible fears of deadlines, word counts and examinations. I salute all those whom I join tonight, as a member of Griffith University. I salute their families and supporters who helped them to this moment. So my family did when I first graduated fifty years ago. This is a precious moment, to be etched in our memories and treasured up forever.

I am particularly proud to be a Doctor of the whole University. Whilst I am grateful for my life in the law, law's service tends to sharpen the mind by narrowing its focus. A university is, or should be, a place where people search for universal knowledge - for the essential links between things. Although I never undertook business studies as such, after my law degree I won a degree of Bachelor of Economics. At the end of busy days as a young solicitor, I rushed to evening lectures to learn economic theory from fine teachers.

So I honour the graduates from the Griffith Business School. They have more to teach judges and lawyers than we generally care to acknowledge. At least in business schools there is a self-conscious search for all the factors that influence important decision-making. There is a constant study of whether business decisions are effective or not. Commonly, in business, the market constitutes the final court of appeal. It tolerates little dissent. In the law, our decision-making tends to be more formal and less empirical. Correctives are often a long time coming.

This day is a watershed in our lives - yours and mine. Years hence, we will look at the photographs and smile. They will remind us of this special time, of this splendid university, of our teachers and colleagues and families here with us. Savour this time.

For me, the occasion comes as I am furiously packing papers, books and bric-a-brac, preparing to leave behind thirty-four years of public life. You are coming *into* your careers as I am moving *out*.

THE MOST IMPORTANT DISCOVERY

So what is there to say that will be more than banal platitudes or just another tedious lecture? My considered thoughts on the *Income Tax Assessment Act* 1936, although certainly relevant to both business and law, would hardly be exhilarating. Predications about the future of business law, although important, would be far too obvious. And scarcely riveting.

There is nothing like the prospect of a radical life change to concentrate the mind on things that really mater. So I want to identify, if I can, the most important thing that we discover in life. At least, it is the most important thing that I have discovered. I will share it with you, like a precious jewel, fit for this occasion. I refer to love. Love for one another. Love for our community. Love for others everywhere in the world. Love transcends even scholarship, cleverness and university

degrees. It is greater than pride and wealth. It endures when worldly vanities fade.

Love exists at different levels. Last week, in Australia and the world, we celebrated the sixtieth anniversary of the *Universal Declaration of Human Rights*. It was brought into effect by an Australian, Dr H V Evatt (a past Justice of the High Court of Australia). He was President of the General Assembly of the United Nations on 10 December 1948 when the *Declaration* was adopted. Over the ensuing six decades, the Declaration became the foundation for the world-wide movement to express the fundamental freedoms that inhere in all human beings, simply because they are human. Of course, there are people and interests with unchecked power who hate such notions. Why wouldn't they? These are ideas to put limits on their power. To uphold the dignity of the powerless. To put a brake on the hegemony of the rich and influential.

I have always thought that the essential foundation of fundamental human rights is love. Love for one another. Empathy for fellow human beings. Feeling pain for the refugee; for the victim of war; for the prisoner deprived of the vote; for the child dying of cholera in Zimbabwe. We can imagine what it must be like to be a victim because, as human beings, we too feel, and yearn for, life, freedom and justice.

Graduates! We must be voices for the voiceless and protectors of the weak and vulnerable. With our privileges and gifts go duties and

obligations. Australian democracy is not merely a rule of majorities. Don't believe it when public figures say otherwise or when sections of the media, revelling in their power, say that everything can be safely left to parliament which will quickly fix things up. Majorities can certainly err. They have done so in the past. They will do so again. Basic human rights afford the means to remind majorities of the love they owe to *all* human beings, both at home and abroad. Electoral majoritarianism can sometimes be selfish and indifferent to wrongs and discrimination.

We need to love our communities. In Australia, we did not always love our indigenous people. Some still don't. In law, we rejected their land rights. We consigned them to the outskirts of our civilisation. Many are still there. For 150 years Parliaments didn’t fix things up. So too with Asian people in the decades of White Australia. We did not love them either. We feared their numbers and their different ways. The Griffith Asia Institute and many like developments have helped to atone for those days. So also for women and for gays. Here too there was an absence of love and empathy. Now we Australians are getting better. I believe that this is because of knowledge, acquaintance and love.

We reserve a special love for our families, our partners and closest friends. If they are here, tell them today that you love them. Anglo-Celts (and especially the males of the species) find that little word "love" terribly hard to say. Well, today is a day to say it. And to respect the loved-ones of others. No exceptions. We owe this because we know how precious *our* loved-ones are to each and every one of us.

Until last week, my partner, Johan, was a second-class citizen of Australia. Thirty years ago he renounced his proud nationality of the Netherlands to join us, as others from so many lands have done. But he was denied recognition and equal treatment under our law. In the closing weeks of 2008 the Australian Parliament removed some of this inequality. Government and Opposition members joined together in rare harmony to get rid of a lot of legal discrimination: specifically to equalise Johan with the pension rights of the partners of other judges. But why did it take so long? Why did all that powerful opposition crumble to be revealed for what it was: unloving prejudice against fellow citizens?

Human rights charters exist to call unequal treatment of fellow citizens to the notice of Parliament so that it can correct the wrong. Had we enjoyed such a national reminder of the need to treat all our citizens equally – and to avoid unjustifiable discrimination – the wrongs that our laws did in Australia to Aboriginals, to Asians, to women, to gays and to others might have been repaired much more quickly. Those who doubt this do not have sufficient faith in the parliamentary institution, so long as it receives timely reminders of the fundamental principles of human rights.

Busy lawyers and stressed business executives even need to keep a portion of love for themselves. I do not mean the self-love that underpins the A-type personality. In ambitious occupations, alas, that love is all too often in over-supply. I refer, instead, to love for one's spirit

as a unique sentient being, given a single chance at life and conscious existence.

Everywhere in the law now (and doubtless also in business) people are talking about stress and depression in professional lives - the opposite of calm love. A recent study of a large cohort of lawyers in Australia showed that depression affects almost a third of solicitors and a fifth of barristers[2]. More than 40% of university students experience distress severe enough to warrant medical assessment[3]. The pressures of daily life, for which university degrees prepare us, often impose crushing burdens. Some cannot cope. Many make mistakes because of stress. But at least we all now appreciate that this is so. We are now talking about it; not just bottling it up in denial. At least we understand today that free meals at midnight from the boss, child care subsidies and a sofa beds in the office are not necessarily provided altruistically for the benefit of employees. Sometimes they represent just another means of extracting more billable hours[4].

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[2] P Carne, "Addressing Depression and Work-Life Balance", *Proctor* (Journal of the Queensland Law Society, October 2008, 7).

[3] "Queensland Law Society Survey of Work-Life Balance", *Proctor* October 2008, 7.

[4] A Susskind, "Solicitors and the Autonomy Paradox", *Law Society Journal* (NSW firms for work-life balance" (2008) 18 No 2 *National Jurist* 28.), December 2008, 22.

Perhaps I am the last person who should be telling you all this. After all, my published recreation in *Who's Who* is "work". But the work-life balance is definitely critical for happiness and long-term success in the use we all make of our university degrees. So it is legitimate for each one of us to keep a little true love for ourselves. To demand a space, often *pro bono*, to do work as a volunteer. Work that is uplifting and noble. Work that gives satisfaction and does good in society, as we know our vocations can sometimes do[5]

EXISTENTIAL THOUGHTS

I am sure that no one coming to this ceremony expected a High Court judge to use the occasion to talk about that four letter word, love. But that's a good thing. In life, never be predictable. It's so uncool.

When in the evening we are alone with our most existential thoughts, it is then that we come face to face with the most precious truths that we discover in our brief existence in this world. Just before fatigue envelops us, taking us into sleep. We think of what our lives actually mean. And then we know how lucky we are if we still enjoy consciousness, rationality and love. But the greatest of these is love.

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[5] K Dybis, "Best firms for work-life balance" (2008) 18 No 2 *National Jurist* (US) 28.

To all my fellow graduates, good speed and true success in life. To Griffith University and its teachers, our thanks and praise.

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