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QUEEN'S UNIVERSITY OF ONTARIO  
KINGSTON, ONTARIO, CANADA

TO LEARN, TO QUESTION, TO LOVE  
APPRENDRE, CONTESTER, AIMER

The Hon. Michael Kirby AC CMG Hon.LLD (Queen's)

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The Hon. Michael Kirby AC CMG (Hon.LLD Queen's)\*

*AUSTRALIA AND CANADA*

I thank the Senate of Queen's University for honouring me with the degree of Doctor of Laws *honoris causa*. I thank Monday Morning Forum of the Retirees' Association of Queen's University for being my supporters and academic hosts. In the past, I have visited the Law School to talk on the legal problems of the HIV epidemic. On this visit to Queen's, I have addressed the Monday Morning Forum in the Department of Mathematics on probability theory and judicial decision-making. I judge it to be improbable that I convinced any of the mathematicians.

I am honoured by the attendance by new and old Canadian friends. They include the Honourable Hugh Segal, a former Senator, with whom I recently worked on the reform of the Commonwealth of Nations. Tomorrow, I will participate at Massey College, which he now heads, in an event concerning human rights in North Korea. This was the subject

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\* Justice of the High Court of Australia (1996-2009). President of the International Commission of Jurists (1995-8). Special Representative of the Secretary-General for Human Rights in Cambodia (1993-6). Chair of the Commission of Inquiry on Human Rights in DPRK (North Korea) (2013-14).

of United Nations Commission of Inquiry which I recently chaired.<sup>1</sup> I am honoured that friends in the judiciary of Canada have attended because, for most of my professional life, I served as a judge in Australia.<sup>2</sup>

Canada and Australia have many things in common. Our colonial history. Our constitutional system. Our federal arrangements. Our language and laws. Our agricultural foundations. Our common struggles in war and our common interests in peace. We share a link across the Pacific Ocean. We also share growing engagement with Asia as it wakes from its long slumber into that dynamic powerhouse of economic opportunity that it is today.

Yet for all these links, we do not know enough about each other. Australia has no francophone imperative. Nor does it have the Atlantic outreach to Europe. We play different sports. For some reason, Canada was never captured by the beguiling slow motion excitement of cricket. With this new degree, I dedicate myself to strengthening links between our two countries and especially in their seats of learning.

### *MULTIDISCIPLINARY GRADUATION*

In this graduation ceremony my address represents the last of the University lectures that brought you to this place. Some things have to be said, whatever the ceremony and whoever the speaker.

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<sup>1</sup> United Nations, Human Rights Council, Commission of Inquiry on Human Rights Violations in the Democratic People's Republic of Korea,

<http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

<sup>2</sup> As Deputy President of the Australian Conciliation and Arbitration Commission (1975-83); as a Judge of the Federal Court of Australia (1983-4); as President of the New South Wales Court of Appeal (1984-96); as President of the Court of Appeal of Solomon Islands (1995-6); and as a Justice of the High Court of Australia (1996-2009).

First we congratulate each other that today we are receiving our testamurs from a great university. We must thank our parents, siblings, grandparents, partners and friends who helped us on our journey to this day. To every one of them who is present, and those who are not, we express our gratitude and love. I know it goes against the Anglo-Saxon norm (which is breaking down a bit in Canada and Australia). But we must use that little word “love” in expressing our thanks. Years hence, photographs and films taken on this occasion will be revisited, some showing those who are no more in this mortal life. Embrace them all and tell them how much you love them. On a day like today, that is permitted if not compulsory.

We must also remember teachers at university and at school who helped us to this moment. Our debt to them is enormous. We repay it by continuing the quest for knowledge and understanding. That is the obligation of a university degree.

Thirdly, we can derive special strength from the multi-disciplinary nature of this university and this particular ceremony. Sometimes graduations are all lawyers or all dentists. Today, we are students of environment, gender, development, indigenous studies, philosophy and theology. This was the original dream of what a university would be: Cross disciplines. Alas, in practice, is all too rare as we are locked into our 21<sup>st</sup> Century separate silos.

### *THE BIGGEST LESSONS IN LIFE*

So what are the biggest lessons that should be shared by a person like me in a ceremony like this?

- \* First, try to keep questioning and challenge orthodoxy. In my youth, in faraway Australia (but it could have been much the same in Canada), we did not question wrongs done to our indigenous people. We did not question the racist foundations of our immigration policy. We did not question the second class status imposed by the law on women. We did not question the habits and traditions of our religious denominations. We accepted too much unthinkingly. Nowhere more so than in the law.
  
- \* Secondly, one of the great forces stimulating questioning has been internationalism. Within our regions. Within the Commonwealth of Nations. Within the United Nations of the world. Canada is a good international citizen. All of us should contribute to this global perspective. We should recognise nuclear weapon proliferation and unattended climate change as threats to the very biosphere we share and to the species that is ours.
  
- \* Thirdly, if my cohort of clever graduates back in the 1960s was blind to the injustices of those times, we must ask: what are the injustices today that we do not perceive? We must ask ourselves that question. What will they say of us 50 years hence? Of our attitudes to the poor and disadvantaged nations and peoples? Of our lack of care for animal welfare? Of our cutbacks in foreign aid? Of our silence on the oppression of sexual minorities?
  
- \* Quatrièmement, la chose la plus importante que nous pouvons apprendre dans la vie n'exige pas en fait un diplôme universitaire

pour gagner les honneurs de première classe. Je me réfère à la centralité de l'amour.

Fourthly, and in the end, the most important thing we can learn in life does not actually require a university degree in order to win first class honours. I refer to the centrality of love. Love for other humans. Love for other species and for the biosphere. Love for music, literature, art, sports and human puzzles. Love (if we are believers) for God or (if we are not) for nature. Love, if we find it for a partner in life.

When I was young, this last great lesson eluded me. Although I had found my partner, Johan, 46 years ago, I knew I was expected by my society to remain silent about him. Gradually, step by step, that unscientific falsehood is falling away. Universities have led on this. The Canadian judiciary has led on this. The *Canadian Charter* has led on this. Canadian parliaments and citizens have led on this. A big world still waits for leadership on this. Each one of us will have a part to play in this, and in other human rights concerns. Beating and pulsing, hammering and insistent, it is love for one another that will demand respect for fundamental human rights that are truly universal. Canada will give the lead. Each one of us should play our part.

Que nous soyons vraiment reconnaissants de ce que nous avons reçu de cette université renommée.

For what we have received from this University of great renown, may we be made truly thankful.

