

OBITUARY

Professor JMG Sweeney (1922-2000)



Professor JMG Sweeney, solicitor, teacher, scholar, writer and friend to many, both in and outside the law, died on 1 October 2000. Emeritus professor of common law at the National University of Ireland in Galway, Professor Sweeney was a beacon of light in difficult times. He kept the torch of legal learning alight in the West of Ireland when a prevailing wind could easily have extinguished that light.

Joseph MG Sweeney was born on 9 December, 1922, in Galway. Rockwell College in Cashel, Tipperary, was his *alma mater* during his secondary school years and Patrick Hillery, later President of Ireland, was a good friend there.

The intellectual ability of Joe Sweeney was evidenced by a first-class honours BA degree in French and Spanish in University College, Galway, in 1944 and the award of the B Comm degree that same year. He was awarded a scholarship and subsequently studied for the LLB (post-graduate law degree) at University College, Dublin, earning a first-class honours distinction in November 1946. He was awarded the silver medal for Irish debate in the Solicitors' Apprentices Debating Society in May 1946.

Commencing practice as a solicitor in 1949, he combined legal practice with an interest in academic law and teaching. He was appointed head of the Law Department at University College, Galway, in 1966 and subsequently professor of common law at the college until he retired in 1987.

Teaching was a vital part of Joe Sweeney's life. He cared deeply about his students and was always conscious of the demands on law students pursuing the LLB degree in Galway who attempted to combine university courses with the necessity to pass stringent professional examinations elsewhere.

Professor Sweeney was associated with many of the greats of the legal profession who acted as external examiners in papers set by him for faculty examinations. Ronan Keane, now chief justice of Ireland; Professor RFV Heuston; Professor JAC Thomas; Professor Alan Watson and Professor Paul O'Higgins were among the external examiners in Galway in the 1970s. Few lawyers can claim knowledge of, or an expertise in, as many diverse fields of law. Roman law, international law, jurisprudence, real property and personal property were among the subjects examined by Professor Sweeney. I recollect in the 1970s the professor's interest in such topics as the concept of objective truth in legal theory; canons of statutory interpretation; the relationship between law and morality; the Jewish contribution to law, particularly natural law; legal positivism; privity of contract in Roman law and ownership in classical and Justinianic law. He had a particular interest in, and

mastery of, real property law.

He encouraged distinguished lawyers to visit and lecture at NUI Galway. He had his own way of encouraging students to attend the visitor's lecture. I remember Mr P St J Langan of Lincoln's Inn, the acknowledged author and editor of legal texts, who visited the Faculty of Law on 1 June 1973 to deliver a paper on obscenity and the law. Professor Sweeney wrote to his law students informing them of the lecture and stating that as the visiting lecturer would analyse critically the enforcement of morals by the law, the

lecture would be of the 'greatest possible interest' to students of 'jurisprudence, constitutional and criminal law'. When the professor who had a say in setting examination papers wrote advising students using the words 'greatest possible interest', students took heed.

Professor Sweeney had a passionate devotion to justice and clarity. With resources of will and commitment, he wrote in plain words and his teaching translated difficult concepts into plain speaking. This achievement represented respect for his students, truth and scholarship that may be characterised as a kind of love. His writing is published in *The Irish Jurist*, the *Gazette* and other publications.

Most of all, Joe Sweeney gave us an example of integrity, honesty and dedication to work, family and principle. That example is a permanent legacy to the Sweeney family and those whom the professor taught. He was painstakingly fair, a true legal craftsman in the tradition of the dictum of Judge Learned Hand: 'It is as craftsmen that we get our satisfactions and our pay'.

Many benefitted from his love for, and dedication to, areas outside of the law. He was a noted trainer of the Irish red setter and received many awards at national field trials. He promoted the revival of the Irish red and white setter and enjoyed training spaniel pointers.

As the sky darkened somewhat in terms of his health, Joe Sweeney carried on bravely as before, working and writing, a devoted husband and father, and a mentor to others interested in law and writing.

He is survived by his wife, Eileen, and four children, three of whom are solicitors: Joe (O'Donnell Sweeney, Dublin), David (Sweeney McGann, Limerick), Violet (Harrison O'Dowd, Limerick) and Raymond.

I will close by echoing the words of Shakespeare: 'He was a man, take him for all in all, I shall not look upon his like again'.

— Eamonn Hall