

MacDermott, John Clarke

by Robert Carswell

MacDermott, John Clarke (1896–1979), Baron MacDermott, lord chief justice of Northern Ireland, was born 12 April 1896 in Belfast, third surviving son and sixth of seven children of the Rev. John MacDermott, DD, minister of Belmont presbyterian church and moderator of the Presbyterian Church in Ireland, and his wife Lydia Allen, daughter of Robert Wilson, solicitor, of Strabane. He was educated at Campbell College, Belfast, and awarded a scholarship to QUB in 1914. In 1916 he volunteered for military service and served in France with the machine-gun battalion of 51st (Highland) Division, being commissioned in 1917 and awarded the MC in 1918. On release he commenced his legal studies and in 1921 received an LLB degree with first-class honours and the Dunbar Plunket Barton prize. He won the Victoria prize and exhibition at King's Inns, Dublin, obtained first-class honours in his final examinations, and was called to the bar in Dublin in 1921.

MacDermott commenced practice at the newly founded bar of Northern Ireland. He had the physical advantages of commanding height and a good voice, and the intellectual acuity that shaped his later judicial work. He soon graduated from the widely based general advocacy practice, which was then the general rule, to one of a higher quality. Taking silk in 1936, he shortly afterwards obtained a parliamentary seat, the almost obligatory route in those days to preferment. He represented QUB as one of its members in the parliament of Northern Ireland (1938–44). Enlisting again for military service at the outbreak of war, he was commissioned as a major in the Royal Artillery. He was released from the army at government request to undertake the post of minister of public security, to which he brought conspicuous organising ability, energy, and resolve at a time of crisis. He was appointed attorney general for Northern Ireland in 1941 and a judge of the Northern Ireland high court in 1944.

In 1947, at the early age of 51, MacDermott became a member of the house of lords as a lord of appeal in ordinary, the first to be appointed from Northern Ireland. He quickly made his mark as an appellate judge, and in his four years as a law lord he demonstrated the quality of his thought and the independence of his judgment. He was on the liberal wing of judicial opinion and frequently dissented from the prevalent conservative trend of thinking. He showed over his judicial lifetime a prescient sense of where the law should go and how it should develop. Like his contemporary Lord Denning, he consistently strove to work towards his ideas of justice through law. He produced a large judicial output over his years on the bench, which demonstrated his mastery of a wide range of subjects. His judgments provided a model for successive generations of relevance and economy in his discussion of legal principles and his handling of previous case-law, and were invariably expressed in prose of impeccable clarity and great felicity.

MacDermott's legal thinking was based on a strong sense of Christian morality and a sympathy with the ordinary citizen pursuing a claim against a substantial opponent, be it an employer or a government department, anticipating in his approach the present-day cast of judicial mind. When he accepted the post of lord chief justice of Northern Ireland in 1951, returning to his social and intellectual roots, he became for twenty years the dominant legal figure, the conspicuous leader of the judiciary with unchallengeable authority over every court in which he sat. Those who appeared regularly before him remember vividly how he tested and examined each argument, sometimes to the discomfiture of eminent counsel who had just put it forward.

The standards that he set for himself were Olympian, and he attained them by sustained thought and effort, but he could not always see why lesser mortals fell short of them. He was at times impatient in small matters, which gave him the reputation of formidability, but when it came to more important affairs he would rise above this and look towards a larger horizon. Although his tolerance of any whose efforts he thought insufficient was limited, he was always generous to those who strove to reach the levels that he regarded as proper. When he sat as an additional judge after his retirement in 1971, he displayed a deep understanding of people and great humanity in his handling of cases concerning families and the wardship of children.

In 1957 MacDermott gave the Hamlyn lectures on the topic 'Protection from power', which combined the themes, long before they became fashionable, of the importance of the rule of law and the protection of human rights from the abuse of power. It was when he was giving another paper, much later in 1977, that he was seriously injured by a bomb placed in the lectern, but with typical courage he offered on his recovery to complete the interrupted lecture.

Lord MacDermott was elected an honorary bencher of Gray's Inn, a connection that he maintained with pleasure for many years, and also of King's Inns, Dublin. He received honorary degrees from QUB (1951), Edinburgh (1958), and Cambridge (1968). He undertook charitable work on behalf of the Multiple Sclerosis Society and the Cancer Research Centre. He was a governor of Campbell College, Belfast (1934–59) and a pro-chancellor of QUB (1951–69). He devoted much time and energy to the affairs of the Boys' Brigade, of which he was Northern Ireland president.

He married (1926) Louise Palmer, daughter of the Rev. J. C. Johnston, DD; they had two sons and two daughters. One son became a lord justice of appeal in Northern Ireland and the other a presbyterian minister. Lord MacDermott died at home in Belfast on 13 July 1979. There is a portrait by H. A. Freeth in the Bar Library, Belfast, and a copy, together with photographs, in the judges' corridor in the Royal Courts of Justice.

---

J. C. MacDermott, *An enriching life* (unfinished autobiography, privately published, 1980); private information; personal knowledge

Downloaded from <http://dib.cambridge.org> by IP 100.103.238.216 on Tue Dec 01 06:25:02 UTC 2020 Dictionary of Irish Biography Online © 2020 Cambridge University Press and Royal Irish Academy. All rights reserved. Not for commercial use or unauthorized distribution.