I wish to begin by thanking Professor Triggs and all the members of the staff of the Law Faculty on behalf of all its students. It is a commonplace that the golden age of academic life has passed, that university teachers no longer enjoy the respect of society, and the veneration of their students, as they once did. Be that as it may, as far as Sydney Law School is concerned, throughout my years here I have observed the erudition and dedication of its staff, which are thoroughly appreciated by the students. Overwhelmingly, the world-class research activity of the Faculty does not prevent staff from displaying a devotion to teaching and real availability to any student who seeks aid or advice. You really are fine models to any of us contemplating an academic career, and if ever you feel a twinge of dissatisfaction at the relative paucity of your salaries compared to your peers in practice, I would remind you of the consoling words of Henry Adams: “A teacher affects eternity; he can never tell where his influence stops.”

I also wish to thank for their generosity the donors of prizes and those who have contributed to the construction of this impressive building which now houses the Faculty. Since it is mostly made of glass it achieves an effect which is the goal of every lawyer but which, alas, eludes all too many, particularly parliamentary draftsmen; that is, transparency. May I congratulate Tina, my fellow university medalist, and all the prizewinners here today.

Alexis de Tocqueville observed that in modern democracies, the lawyers provide the aristocracy. This is, I suppose, good news for us. If lawyers are the aristocracy of Australia, then law students are the aristocracy in waiting. And I think I can say to this audience without fear of too much contradiction that, Sydney Law School being indisputably Australia’s premier law school, Sydney law students must be the aristocracy of that aristocracy. Which means that you, my friends, as prizewinners at Sydney, are the aristocracy of the aristocracy of the aristocracy – truly the crème de la crème.

However, now for the bad news – the aristocracy of which we are to form so rarefied a part is only slightly more popular that the French aristocracy immediately prior to the Reign of Terror. No doubt all law students have the experience of being asked what we study, and the reply being greeted by reactions varying from slight grimaces to convulsions of disgust. I think we deserve neither such flattery nor such condemnation. Those who hate the legal profession see it as an immense con job; we have all this fancy jargon, this intimidating learning and this cant of justice, but in reality the law is merely a tool of the rich and the powerful against the little guy. This is, of course, the Marxist critique of “bourgeois legality”, but it is shared by many disillusioned people in our society who are by no means Marxists. In the end, according to this view, power is what matters, not law; law is just a tool in the struggle for power and profit.

This view is mistaken; although law always runs the risk of being reduced to this inglorious role, law is not inevitably a mere guise of power. Law, as Murray Gleeson has said in his Boyer lectures, restrains and civilises power.¹ The procedural elements of the rule of law are not mere empty forms, but offer a real protection to the citizen. There are no doubt many abuses in a society governed by law, but they cannot be compared to those of a dictatorship where the exercise of power is unrestrained.

It is in this sense that lawyers might legitimately be called an ‘aristocracy’ in our society; in their dedication to a traditional body of knowledge and practice, the principles of which provide a check against the arbitrary use of power, even by the majority of the people. Like all aristocracies, it is legitimised only by a sincere sense of noblesse oblige, by a real attempt to practice the ideal which it upholds; without that, its authority is intolerable. Although my own experience is negligible, it seems that the strength of this ideal has waned in recent times;

there has been too much acceptance of a solely commercial understanding of the lawyer’s role. There is a need for the profession to recommit to being a ‘vocation of service’, if we are to overcome the cynicism which threatens to undermine the rule of law itself.

But I would argue that a merely procedural understanding of value of the rule of law, although important, is insufficient. If it is to be any more than a dry and fundamentally unsatisfying technicality, law cannot be separated from the search for justice (which is why I am so pleased that jurisprudence maintains an important place in this Faculty) and justice, I would contend in return, cannot be separated from an understanding of what is good and what is true (which is why I think law should never be divorced from the study of the humanities). And the fundamental truth on which law should be based, and that lawyers should attempt to embody in their work, is the dignity and value of every human being, which transcends all utilitarian calculation. I am glad to see that idealism remains alive among many students today. This is observable particularly in a widespread commitment to and belief in inherent human rights, which, despite some lacunae and some exaggerations, remains a cause for hope for humanity.

Having spoken in praise of the ideal of the legal profession, I must now make a plea for humility, despite it being the least fashionable of the virtues. We lawyers have an important ideal to uphold and an important role to play; but not necessarily the most important. Because we have the highest UAI cut-off does not mean we can solve all the world’s problems. Utopia is not to be achieved by voluminous legislation; in fact, if I may be excused an excursion into Latin (and surely at this elite institution I will be) Tacitus was of the opinion that “Corruptissima res publica, plurimae leges”: “The most corrupt state has the most laws.” And Dr. Johnson makes a similar observation from a different angle:

“How small, of all that human hearts endure,  
That part which laws or kings can cause or cure.”

This should not become an excuse to preserve an unjust status quo when law is able to effect a true improvement; but we should remember that, on the whole, culture is more important than law in determining the respective weight of good and evil in human society. Law influences culture, but not as much as culture influences law. The forces which determine culture are innumerably complex, but are more the product of families than of lawyers and politicians; and the deepest wounds in human life have their origins in a mystery beyond even the power of culture to correct completely. We must be able to fight for justice while retaining awareness of our own limitations. We must try to be, in Kennedy’s words, idealists without illusions; at any rate we must avoid becoming illusionists without ideals.

And having mentioned families, I am sure I speak for all students present in thanking our families, without whom none of our achievements would be possible. I wish to conclude my speech by thanking mine: my grandparents, a constant source of good advice and of love; my sister Cassie, whose sense of humour has helped keep me sane (at least in my own opinion); my stepmother Debra, who sadly cannot be here today, but who has loved and supported me so much; my father, whose wisdom, strength and love have been the one constant and unchanging foundation of my life; and my mother, to whom I owe all that I am, all that I have ever achieved and all that I ever will. And I thank all of you very much for listening to a lecture so weighty, some might say so pompous, from one so inexperienced with such patience.

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