



The Francis Forbes Society for Australian Legal History

ABN 55 099 158 620 ACN 099 158 620

THE 2022 ANNUAL FORBES LECTURE

Legal Life Histories and the Creation of Legal Fields

PROGRAMME

Lecturer:	Dr Susan Bartie
Chair:	The Hon J L B Allsop AO, Chief Justice of the Federal Court of Australia
Date:	Wednesday 31 August 2022
Time:	5.15pm – 6.15pm
Venue:	Court 13A Law Courts Building, Queen's Square, Sydney

CONTEXT: The Forbes Society, and the annual Forbes Lecture sponsored by the Society, are named for Francis Forbes (1784-1841), the first Chief Justice of the Supreme Court of NSW, 1824-1837. He was knighted in 1837.

ORDER OF EVENTS

1. **WELCOME** – by the Hon James Allsop, Chief Justice of the Federal Court of Australia, and President of the Forbes Society
2. **PRESENTATION OF THE LECTURE** – by Dr Susan Bartie

Dr Bartie’s lecture will examine the role that legal life history can play in investigating how legal fields are created and sustained, and how they change over time. It will also make an argument for greater understandings of Australian legal fields. First, it will draw from Dr Bartie’s life history of Professor Geoffrey Sawer to illustrate the type of insights which can be gleaned from life history. As one of the founders of constitutional law in Australia and the first Australian law professor to work within a school of social scientists, Sawer’s career – and life – provides crucial insights into the creation of both constitutional law and Australian academic law. The choices he made when founding modern constitutional law scholarship and when working alongside social scientists can also help explain the marginal place of both history and life history within Australian academic law. Second, the lecture will outline the potential for group biography (‘prosopography’) to create new and stronger connections between law, politics, culture and society, as well as investigate the creation and sustenance of legal fields. It will introduce Dr Bartie’s new socio-legal history of Australian environmental lawyers as a way of illustrating the changing nature of group biography and how this methodology can both enhance law’s interdisciplinary credentials law and create more holistic understandings of law and legal culture in Australian society.

THE FORBES LECTURER

Dr Susan Bartie is a legal historian at the University of Tasmania. She has spent the last decade studying the intellectual agendas and endeavours accompanying the rapid growth in the size and stature of Australian law schools.

She is currently developing a 50-year socio-legal history of Australia’s environmental lawyers supported by a Discovery Early Career Researcher Award from the Australian Research Council (2022-2024).

LEGAL HISTORY NEWS

Lectures and Legal History Tutorials convened by the Forbes Society are generally open to the public, without charge.

LEGAL HISTORY TUTORIALS:

The Forbes Society's annual programme of legal history tutorials has, since its inception in 2013, included presentations by senior judges, academics, members of the Bar and Court staff. COVID-19 restrictions affected our ability to deliver the tutorial series in 2020 and 2021. Recent presentations include:

- the former Chief Justice of NSW, the Hon T F Bathurst AC "The History of Sentencing Law" (22 September 2021)
- Dr Coel Kirkby (University of Sydney Law School), "Themes in Australian Legal History and the development of Succession Law" (28 February 2022), combined with a formal presentation of certificates and prizes to 2021 essayists
- Dr Nicole Graham, Associate Professor (University of Sydney Law School), "Antipodean Property Law" (15 June 2022)
- Professor Barbara McDonald, Dr Ben Chen, and Dr Jeffrey Gordon (University of Sydney Law School), 'The Mason Court' (9 August 2022)

If you would be interested to attend, either as a presenter or in the audience, please advise the Secretary of the Society, Dr Simon Chapple (secretary@forbessociety.org.au)

THE 2021 PLUNKETT LECTURE:

The Tenth Annual JH Plunkett Lecture 'Dignity in the time of John Hubert Plunkett' was delivered on 19 August 2021 by The Hon Justice Jacqueline Gleeson, High Court of Australia, chaired by the NSW Attorney General, The Hon Mark Speakman SC MP. The Plunkett Lecture honours the memory of one of the State's pivotal Attorneys General. John Hubert Plunkett (1802-1869) arrived in NSW, from Ireland, in 1832.

THE 2021 FORBES LECTURE:

On 9 June 2021 Gideon Haigh delivered the Annual Forbes Lecture " 'She was looking for her child' Evatt J's dissent in *Chester v the Council of Waverley Municipality*". The lecture was chaired by Professor Mark Lunney, Junior Vice-President of the Forbes Society.

THE FORBES FUND:

One of the Society's objects is to encourage and promote research into Australian legal history and it maintains for that purpose the Francis Forbes Fund, to which donations may be made. Donations to the Forbes Fund (in the sum of \$2.00 or more) are tax deductible.

As well as specific projects each year, the Society supports an annual Essay prize for the best paper presented at the ANZLHS Conference, judged by a panel appointed by the Editor of law & history. Grants have included:

(2022 grants): *University of Adelaide* Associate Professor Robert Foster – 'Reconciling with the Frontier', which is to produce a digital map of frontier conflict in 19th century South Australia, including First Nations stories and oral history accounts; *Australian Catholic University* Dr Jessica Lake – 'The Slander of Women'; *University of Sydney* Megan Cameron – an examination of the work of magistrates in early colonial New South Wales; *UNSW* Associate Professor Marina Nehme – 'A study of the legal history of proprietary companies'

(2021 grants): *University of New England* Dr Patrick Graham – ‘Sir John Latham and constitutional autochthony’; *University of Southern Queensland* Professor Antony Gray and Associate Professor Marcus Harmes – ‘The History of Judicial Independence in New South Wales’; *University of Sydney*: Digitisation of letters from solicitors, barristers and law students to the University of Sydney Law School Comforts Fund during the Second World War (Tony Cunneen); further support for ‘Dynamic and Principled: The Influence of Sir Anthony Mason’ (Professor McDonald, Dr Chen, Dr Gordon); *Monash University* Professor Tamara Walsh and Associate Professor Dominique Allen – a research project about the history of human rights complaints in federal law.

(2020 grants): to Macquarie University: (1) Dr Kate Gleeson, Sinead Ring, Kim Stevenson, “Legal Responses to Historical Child Sexual Abuse: Critical and Comparative Perspectives” (2) Dr Henry Kha, “The Unification of Australian Divorce Law under the Matrimonial Causes Act 1959” and to Sydney University: Professor Barbara McDonald, Dr Ben Chen, Dr Jeffrey Gordon, “Dynamic and Principled: The Influence of Sir Anthony Mason”.

(2019 grants): The digitisation of the notebooks of Sir Keith Officer and Sir Robin Sharwood – a project of Professor Lunney, Dr Tanya Josev (Melbourne Law School) and Ms Carole Hinchcliff (senior law librarian at Melbourne); and *A Biographical Dictionary of Barristers and Solicitors in Early NSW, 1824-1861* (Peter Moore through the University of Adelaide).

Publication of **Pitt Cobbett's grand opus ‘The Government of Australia’** by the 2019 Forbes lecturer, Professor Anne Twomey (Sydney University) was supported through the Fund in 2017 and 2018. The book *The Constitution and Government of Australia, 1788 to 1919* by William Pitt Cobbett and edited by Anne Twomey was published by Federation Press in October 2019. Professor Twomey said of the project:

The support of the Society is essential for this type of work, which would otherwise not see the light of day and remain moulding away, unseen and forgotten. We will not learn from our past unless our history is readily accessible. The Francis Forbes Society ensures that it is.

We welcome all further donations to enable us to support such worthy projects – a form for donations is available here: [Francis Forbes Society 2022 Donation form](https://www.forbessociety.org.au/2022-donation-form) and on the web site <http://www.forbessociety.org.au> at DONATIONS.

MEMBERSHIP OF THE FORBES SOCIETY:

Membership of the Forbes Society is open to everybody. Membership application forms can be downloaded from the Society’s website. Benefits of membership include timely notification of legal history events via updates emailed to members from time to time.

THE 2022 AUSTRALIAN LEGAL HISTORY ESSAY COMPETITION:

The Forbes Society’s Annual Essay Competition is open to all students enrolled in an Australian secondary school or an Australian undergraduate university course (including courses leading to a qualification for legal practice). Guidelines, together with sample questions and essay questions set in previous years’ competitions, are published on the Society’s website: www.forbessociety.org.au.

THE ANZ LAW AND HISTORY SOCIETY ANNUAL CONFERENCE:

The ANZLHS 2022 Annual Conference will be held 1-3 December 2022 at the University of Technology Sydney. The theme of the conference is Tenuous Histories and Provable Pasts: How Legal Historians Create Knowledge. Keynote speakers will include Professors Constance Backhouse and Katherine Biber. See [2022 conference](https://www.anzlhs.org.au/2022-conference) for details and a link to the full Call For Papers.