

HAL WOOTTEN LECTURE 2011 (Martha Nussbaum)

Response by Hal Wootten

Here we are again. This is the sixth occasion I have had the privilege of expressing my appreciation of the establishment of this eponymous Lecture, and my delight that it is not the Hal Wootten Memorial Lecture. It is the fifth occasion I have had the pleasure of thanking an eminent person for the honour they have done me by delivering the lecture bearing my name – on the other occasion I was the speaker.

Despite my attempts at humour there has been no question of the lecture becoming a memorial lecture. As the program tells you, it was established not to commemorate me but to commemorate a vision of the law school, which it generously describes as my founding vision. Looking back it is easy to see that it was never a static founding vision and it was never just *my* vision. It has always been *our* vision of the Law School, a living vision which now for over 40 years has been contributed to, shared, developed and adapted to changing circumstances, and above all lived, by an ever-growing number of staff, students, graduates and supporters.

Tonight it has taken new life from the contribution of Martha Nussbaum who, combining the erudition of the past and the passion of the present, has situated our vision in a great and continuous humanistic tradition, one that stretches back in time to the Greeks and even earlier eras, and in space to most parts of the world, embracing people of many different cultures and many different religions and of none, surfacing wherever men and women have reflected on what it meant to be human

Listening to her I felt a little like the man who was surprised to learn that he had been speaking prose all his life without knowing it. I doubt that it occurred to any of us forty years ago that we were marching to the drumbeat of a great tradition. Our aspirations were more modest and practical. We just thought we could build a better law school, one in which students could have a rich and rewarding experience in those precious years in which they prepared to step out into the world, one in which staff could be not lonely scholars but members of a vibrant community of thinking, learning and teaching, one from which could emerge the kind of lawyers needed by a society that valued freedom, justice, and equality and respected diversity. Law was not a business but a profession. We saw a law school not as the creature of a profession, but as an independent yet integral part of a profession in the classical sense. That is, a group which enjoys privileges in the provision of certain services needed by society, and in return takes responsibility for the provision of those services to the whole community, for the competence and integrity of its members, and for the advancement of knowledge in its discipline.

Like the humanities and arts themselves, law has two enemies from within, those who would make it a market and those who would make it a priesthood. The former, who would subject the law, the

humanities and everything else to the market test of gain, with all other social goods seen as by-products of wealth, have been Martha Nussbaum's particular target tonight.

On other occasions she has done battle with the priestly caste. Few people in recent times have done so much to give the humanities a bad name as Allan Bloom, who in *The Closing of the American Mind* surprisingly claimed that opening minds to new perspectives like feminism had in fact closed them. As Martha Nussbaum demonstrated in a devastating review, Bloom's real desire was to reclose the American mind by adopting a view of the humanities as a collection of sacred texts with hidden truths to be interpreted by a privileged elite. A similar view of law was powerful when I was a student, and played a role in the antipathy to Julius Stone who taught a generation of students to see law not as a collection of sacred texts whose exegesis was a task for a priestly professional class, but as a man-made set of rules to be evaluated like other social facts in terms of practical reasoning, social consequences and justice. Even when this law school was founded 40 years ago there was near panic in some quarters that it might be a sanctuary not for priests but for heretics who would engage in critical thinking and advocate social justice. How right they were!

While the arts and humanities are classic resources for humanistic values, it is those values that matter. Martha follows the battle for them wherever it leads, tonight to the teaching of law. Perhaps there is even greater need to take it to other disciplines, to economics where the justification for the primacy of profit is theorised, to business and commerce where the pursuit of wealth becomes an art form, and to technologies over ready to be their unquestioning servants.

Tonight Martha has given us a wide-ranging and stimulating account of challenges and possible responses in the field of law. We thank Martha tonight for this, for showing us our place in the great humanistic tradition, and for inspiring us to carry forward our modest contribution in the challenging times that lie around us and ahead of us.