Eighteenth Geoffrey Sawer Lecture 2015

History and memory in constitutional adjudication

Wednesday 5 August 2015  6–7.30 pm, including light refreshments

Justice Daphne Barak Erez  Supreme Court of Israel

Finkel Theatre  John Curtin School of Medical Research, Building 131, Garran Road, The Australian National University

Geoffrey Sawer was the first Professor of Law at The Australian National University, appointed in 1950 at the age of 40. His fluid and incisive writing, especially on Australian constitutional law and politics, has had a significant impact on succeeding generations of academics, practitioners and judges. In 1998, two years after Sawer’s death in 1996, in honour of this pioneering scholar, the Dean of the ANU College of Law, Michael Coper, with then Centre for International and Public Law Director Hilary Charlesworth, inaugurated the annual Sawer Lecture. Since then, the annual lecture has been delivered by many legal luminaries.

Court rulings given in the past serve as primary sources for the writing of history. At the same time, occasionally, judicial decisions themselves consist of history writing. This history writing should be of interest. Indeed, judges are not expert historians. However, their decisions have normative consequences, and sometimes even an impact on the process of shaping collective memory. The lecture will discuss different kinds of history writing in judicial decisions and elaborate on their different roles and implications. More concretely, it will discuss the role of the narration of history in constitutional judicial decisions as ‘history of justification’, that is history that establishes justification for normative choices made by the court.

Justice Daphne Barak-Erez was appointed to the Supreme Court of Israel in 2012. Before that, she was a professor of law at Tel Aviv University for many years, where she the Stewart and Judy Colton Chair and served as the Dean of the Law School. She is a member of the American Law Institute and of the International Academy of Comparative Law. During her career she has been a visiting professor and researcher at various universities, including Stanford, Courmbia, Duke and Toronto. She has been awarded several prizes, including the Rector’s Prize for Excellence in Teaching (three times), the Zeltner Prize, the Heshin Prize, the Woman of the City Award (by the City of Tel-Aviv) and the Women in Law Award (by the Israeli Bar).

The views expressed in this lecture are those of the presenter and do not necessarily represent the views of The Australian National University.

Presented by

Centre for International & Public Law
ANU College of Law

RSVP online by Monday 3 August
E coast.law@anu.edu.au  T 02 6125 3487
This lecture is free and open to the public