

## A RECOLLECTION OF GEOFFREY SAWER

BY NINIAN STEPHEN\*

He was not so much dressed in as draped about with baggy slacks and shapeless sports coat, elbows suede-patched long before this became the intellectual's hallmark. He was on the dais, it was true, the proper place for lecturers, and that was some re-assurance; but he sat on its floor, a thing surely not done by proper lecturers, legs swinging over the edge while he rolled himself a rather unsuccessful cigarette.

We eyed warily this academic, our Constitutional Law II lecturer for the year, an oddity among the succession of barrister-lecturers who, splendid in morning suit or three piece blue worsted, regularly dictated their set-piece lectures which we scribbled into our notebooks, ready for regurgitation at exam time. They brought the air of Selborne Chambers and Chancery Lane to the lecture theatre, he some quite unfamiliar air.

We waited while a disconsolately deformed cigarette was wrought from the reluctant makings, but still no lecture notes emerged, no rapid recital of proposition and supporting case, culled from the day's selected pigeon hole. Instead, a deprecating introduction of self and subject, as if both were necessary evils which better acquaintance might nevertheless make tolerable. And gradually that first lecture took shape.

The years have blurred memory of the lecture, although not of the man, so that all his lectures merge into one narrative. A narrative of the closely bargained federal compact: of the old chrysalis colonies taking faltering flight as States; of the three who first sat interpreting a Constitution with the ink, much of it their own, barely dry on it; of Quick and Garran foretelling the future; of Isaacs and Higgins overturning immunities of the past. He was not so much a lecturer as a raconteur, his unlikely source book the Commonwealth Law Reports, the cases annotated and flagged in the memory with political sidenote or disreputable anecdote. He gave to dry doctrine its context in the social and economic forces of the day. Names took on a new significance. Menzies was no longer just the current leader of the Liberal Opposition but was seen turning the Court around in the *Engineers'* case. Evatt was no longer the current Minister for External Affairs but instead the apostle of a section 92 which could accommodate nationalisation. We saw Dixon and Fullagar barely restrained from writing elegant judgments entirely in Greek, Starke and Rich trailing personal legends across the pages, and Williams ever at his tax cases.

Sawer's student audience of the late 1940s was of a unique sort; ex-servicemen largely, making good the wasted war years and financed to the luxury of a law course in a fee-paying university by a grateful government. Professor Paton apart, he was, I think, the first academic

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to teach us in a sea of barrister part-timers. He was, and remains, for many of us our outstanding teacher of the law, clothing each dry decision with living relevance and so marshalling the cases that strategic patterns emerged from tactical march and countermarch. He gave to the constitutional law he taught a new relevance, superimposing the curial shape of Australia's federal experiment upon the nation's social and physical landscape.