

## LAW FOUNDATION OF SOUTH AUSTRALIA FELLOWSHIP REFLECTION

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In a 1959 documentary produced by the “British Travellers’ Association”, Sir Michael Redgrave (himself an alumnus of Magdalene College, Cambridge) paraphrased Rupert Brooke in describing the University of Cambridge as sitting at “the heart of a shire for men who understand”. Initially, I faced up to the ugly and flippant sexism of the description, and the fact that it took until 1988 for the last of Cambridge’s *old* colleges to admit women is a mark of shame that cannot be erased retrospectively. I then faced up to a substantive error in the description, namely, that the rich intellectual tradition for which Cambridge carries global recognition is not necessarily marked by *understanding* — that is the final objective of inquiry — rather, I would describe Cambridge as at “the heart of a shire for *people* who are *curious*” (and who are not content to leave that curiosity alone). If I could condense my experience in Cambridge to catchwords, they would be *curiosity*, *opportunity* and *cosmopolitanism*.

As a young(ish) lawyer fresh out of more than two years working as a judge’s associate, I arrived in Cambridge — and at Gonville & Caius College — with a plethora of legal issues, questions and concepts that I was eager to explore. There was considerable difficulty in translating that eagerness into the enrolment process, where I was to choose four courses (amusingly called “papers”) from an offering of 36. Making these choices came to be almost paralysing. So, I tried to put myself into the shoes of Rupert Brooke arriving in Cambridge in 1906 and to have a go at summarising my impression of the University (with some literary flair for fun). Literary flair eluded me, but I was struck by the University’s ability to acknowledge its illustrious history without taking an eye off the future, nor the wider world beyond the town’s narrow confines. This “realisation” frequently presented itself at lunch or dinner in a college hall where, watched over by Holbein’s portraits painted at a time when suggesting that the earth’s orbit was heliocentric would see you hung, drawn and quartered, I would feign a deeper understanding of the relationship between ocean currents, atmospheric pressure and climate change; why DNA is as long as it is (2 metres); or why, in mathematical (and presumably philosophical) terms, there is a difference between a donut and a coffee cup (both have a circle in the middle).

Armed with my “realisation”, I chose to pursue papers that offered at least one of the following criteria: significant novelty (in the sense that I had not previously engaged with the topic intellectually); international scope; and relevance to contemporary politico-legal issues. Armed with those criteria, I studied the following papers: *History of English Civil and Criminal Law*; *Jurisprudence*; *Criminal Justice and Human Rights Law* (in Europe) and *International Criminal Law*.

As I was reminded by a physicist friend in college, to every action is an equal and opposite reaction. On the one hand, going into these classes without a strong — sometimes even weak — background knowledge likely made classes tougher than they needed to be and results less illustrious than they could have been, as I sought to build an understanding of new concepts from the ground up. For instance, I distinguished between *seisin* and *possessio* in Norman English land law; I developed an appreciation (and even an admiration) for civilian criminal trial procedure in Europe; I sought to transpose the “common good” philosophy of St Thomas Aquinas into 21st century constitutions; and I learned that the International Criminal Court *might* not be seised of the power to issue subpoenas. From time-to-time, issues of this nature would give me a headache. These headaches were often exacerbated by the method of teaching in the Cambridge LLM. A week of prescribed

reading would run beyond 1000 pages. Acknowledgement that said reading had not been completed would not be met by a quick yet helpful summary from the teacher but by a death stare that would put Clint Eastwood to shame.

But you might be surprised to find out that I tended to forget that I had a headache when placing these issues in a broader socio-political, or international, context and opening more closed questions of *what* into *why* or *how*? My courses presented endless examples of this phenomenon (although *Legal History* was often lacking ...). In *Jurisprudence*, we contemplated whether a system of government by rules can ever be both truly legal and yet truly evil. If one reads the *Project 2025* manifesto, they see that the agenda is to be implemented by legal means, not by tanks in the National Mall. In *Criminal Justice and Human Rights Law* we discussed whether “national security” considerations are apt to enliven departures from an accused’s codified right to legal assistance under police questioning. In Australia, where “the vibe” often reigns, the lack of uniform, consolidated and codified due process rights is an even more fundamental issue. The contemporary global and political relevance of *International Criminal Law* needs no elaboration.

The intellectual and personal benefits that I gained from my courses were enhanced by taking the time to view these cross-jurisdictional issues through an Australian lens. This was in no small part facilitated by the incredible cosmopolitanism of the colleges, the University and the town. For example, it was a challenging but ultimately enriching experience to be asked, in October 2023, “why did your country vote not to recognise its indigenous people” by an Austrian mathematician. The conversation that followed was a timely reminder that I could not intellectually divorce myself from my home if I wanted to become a better legal and, ultimately global, thinker. To take one example, I endeavoured to take a particularly critical approach to class discussions of “criminalisation” in circumstances where, in Australia, electoral battles are increasingly fought on *law and order* fields. More importantly, however, the aforementioned conversation crystallised a wonderful and enduring friendship, one of many that I made in Cambridge. I hold all of them dear.

To avoid the inaccurate impression that my time in Cambridge was overwhelmingly stern and serious, spent in monastic contemplation of the law, I wish to close out on a lighter extracurricular note. Despite my stated intention only to try *new* things, I could not have done a poorer job of “divorcing myself from my home” as I became a proud and passionate player (forward pocket) for the Cambridge University Australian Rules Football Club (<https://www.cuarfc.org.uk/>), some 14 years after hanging up the boots at the end of primary school. The season was an emphatic success. The club won the varsity match on enemy turf in Oxford and the National University League premiership in Cardiff, which qualified me for receipt of a half blue. I was also interviewed by Polish state media as we played an international tournament in the town of Nysa. Nonetheless, my proudest success was having “carn the pear” become a frequent refrain at club trainings and matches.

Now, one year on from my matriculation to the University of Cambridge, and recognising that hindsight is 20/20, it is as opportune a time as any to address the “big” questions.

Did I achieve the intellectual, spiritual and physical enlightenment foreshadowed by Sir Michael Redgrave’s documentary? No.

Was I foolish to buy into that possibility with every fibre of my being and risk considerable disappointment? No. It enabled me to take the LLM beyond its immediate confines, to intellectual,

personal and emotional places that genuinely *opened* my mind, particularly at a time when the global socio-political psyche is becoming increasingly ugly and closed.

It is apt, once again, to reflect on the themes of *curiosity* and *opportunity*. I arrived in Cambridge certain in my conviction that I would return to Australia, practise as a solicitor for a couple of years and then go to the bar. Having returned, I have radically relaxed those rigid plans. The LLM made clear that *law* transcends a professional institution and encompasses a unique discipline of critical thought within which opportunity abounds.

If a fellow South Australian lawyer reads this reflection with even the slightest inkling that post-graduate study would interest them, take my words as an earnest yet emphatic push to explore that inkling. The incredibly generous opportunity presented by the LFSA Fellowship is the best place to start.

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