

Places Lived: An Ego-Historicist and Jurisographer Discuss Living with Law in Sydney

John Docker and Ann Genovese

The following essays, by John Docker and myself, were delivered on the final panel of the 'Lives Lived with Law' symposium, held at the Melbourne Law School in December 2014. The panel was called 'Places Lived', and our purpose was to reflect together on how intellectual traditions are inherited and inhabited in a place. The essays were written and presented as they are published here, commencing with this short introduction. We wanted to stage in public a long-standing personal discussion about what it might mean to write about Australia, in many forms and styles of address and how this involves, for us, self-fashioning a life through writing in Australia, and as Australians. In both instances, as will become evident in my essay, I have a debt to pay to John.

In staging the conversation in the ways we did at MLS it was important to John and I to explain – perhaps, by way of Introduction, unnecessarily assertively – that we subscribe to inhabit what Hannah Arendt (2007) called 'the status of the conscious pariah'. We stand outside (John), or inside but to the side (myself) of conventional institutional or disciplinary situations. We choose this standpoint in order to self-consciously address what duties we have to make the assumed or orthodox strange, and visible, where we live. This, we have long discussed, is in part a response to personal genealogies, which we

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understand as existing in relation with our writing personas. This is also part of what we consider in our essays, in which John explores writing autobiography as an *ego historiste*, and I consider what it means to write histories of jurisprudence as a (feminist) jurisographer (a persona invented in complicity with Shaun McVeigh and Peter Rush).

It is worth noting two things before reading our conversation that underscore our intentions, but are not the primary consideration of the essays. They are about how writing of lives lived in Australia, for us, is a concern with making sense of Australian experiences of law, politics, and culture as contested, and *sui generis*, but existing in response and engagement with other conducts of life and inherited intellectual traditions. The first concern we wish to note is that to write as Australians and about Australian lives as experiences of thought and practices is neither parochial nor nationalistic, nor irrelevant to conversations elsewhere. We understand our work as belonging to cosmopolitan traditions that are already Australian. More to the point (as John made very clear in his 1974 book *Australian Cultural Elites*) to pay attention fully to what has been inherited and contested in the everyday experiences of intellectual life in Australia, it is necessary to refuse an apologetic comparativism with England or elsewhere that deadens violence, pleasure, drama, or imagination. Without this refusal, we think, Australian work risks being cast (and cast aside) as the 'esoteric, familiar, and unnecessary', especially in the academic North (Curthoys 2003: 70). The other concern is the centrality of paying attention in our writing to what Indigenous scholars and friends have invited us to witness. In order to think properly about how we take care of our conducts of life in 'Australia' we must look to the experiences of living lawfully in place, and places that are not only, or always, about the 'nation state'. As John noted to me in preparation for the writing of our essays, for Anglo-Australian scholars this is often resisted, in many ways. In 1974, for example, although Australian intellectual life was in renaissance, John recalled that it was considered impetuous to want to draw out what made Sydney and Melbourne distinct from each other (as opposed to different to London), let alone to question how the intellectual traditions of Australia responded to the contentions

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of feminist and Indigenous politics (Docker 1974; Coleman 1962; Serle 2014).¹We note that considering Australian life as a matter of intellectual traditions *per se* is often, still, treated in many institutional contexts as perplexing or foolhardy.²

Yet, we take up our own practices and these traditions of imagination and responsibility seriously. Although the ‘Lived Lived with Law’ Symposium was held at Melbourne Law School, in Melbourne, and I live and write here, and John lived and studied here many years ago, we reflected in our conversation on what it means to live and write in, and of, Sydney. It is Sydney that draws us together, personally, and as a consequence, intellectually, in the forms and practice of our writing. It is for this reason that Sydney is the stage for our conversation in the essays that follow.

Notes

- 1 See also Manning Clark’s (1962) important observations about the diverse traditions of intellectual culture that Docker takes up; and also A.A. Phillip’s (1975) critical response to Docker’s arguments. Phillip’s review arguably performs the same insouciance and humour, and shows how Docker’s book joined and reimagined the literary critical tradition in Australian for his own time.
- 2 We note the recent series of books on Australian Capital cities published by UNSW Press, (for example, Sophie Cunningham *Melbourne* (2012)) are seen as ‘trade books’. Without the sweetener of spatiality or ‘grounded empiricism’, concerns with traditions of thought and politics in Australian states, territories, cities and towns, are, we would suggest, out of vogue in Australian academia (in ways they were not in the 1970s and 1980s). We would also note that scholarly writing about ‘international’ cities (New York, London, Berlin) remain translatable between ‘trade’ and ‘academic’ practices and audiences.

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