

INTERVIEW WITH HORST LUCKE

Recorded by Rob Linn on the 17th October 2006.

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This is an interview with Horst Lucke on 17th October 2006 at Semaphore for the University of Adelaide Oral History Project, interviewer Rob Linn. This is the first session of the recording.

Horst, thank you very much for agreeing to be interviewed. Could you just tell me a little about your personal background, please, in Germany? You were born in 1929.

Yes, I was born in 1929 in a place called Ronsdorf, which was a town of about fifteen thousand people. About six months after I was born the town lost its independence and was incorporated into a greater metropolis which was called Wuppertal. And I spent the first thirteen years of my life growing up there, like any kind of normal child, I dare say. The War, of course, intervened in 1939 and four years later – in a sense, I think one might say my childhood came to an end, because the town experienced an air raid and our house, together with most of the inner part of this town of Ronsdorf, was obliterated, burned down. I thought that was a very strange occurrence, and life somehow seemed to be rather different afterwards, the adult world was more intruding into my childlike existence, and I realised that there are dimensions to life which had nothing much to do with playing in the gardens and so on. So I regard that as, in a sense, I think as I said, the end of childhood.

Horst, what was your father's occupation?

My father was a businessman. He was a representative of a steel company and also later worked a good deal of insurance, he established an insurance agency and became, as it were, involved in the insurance business.

What about your education path? Did that begin in your village?

Well, I think Ronsdorf had a number of primary schools and I attended one that was fairly close to where we lived. That's where I received my first religious and other education. The teachers thought that it would be helpful to the education of youngsters, particularly in arithmetic, if they promoted this with a stick, (laughter) so if I wasn't able to say fairly quickly how much is sixteen by seventeen I would get one. And arithmetic's always been a fairly weak aspect of my ability, I think, probably as a result of this type of treatment.

Anyway, when I was ten I left this primary school and went to high school, which was the usual thing to do. Only about ten per cent or fifteen per cent of the school population would take this step; the others would continue at primary school. And there was a small branch of a larger secondary school in Ronsdorf and I attended that. It was a delightful period because we had boys and girls in the school, which was very unusual. Once these three years were up I had to go to the main branch in the centre of the city and that was boys only, but after we lost the house actually my mother – my father was in the army and my mother decided that we had to move to Central Germany and then spent the rest of the War in a place called Lamspringe, which is a town of about three thousand people not far from Hildesheim and I used to go to school in Hildesheim, and this is where my schooling – my war schooling, at any rate – ended, in 1945, because the schools ceased to operate, and I went back to Wuppertal with my parents and my father came back from the War, from a British POW¹ camp, and I resumed schooling in Wuppertal, in the same school to which I'd gone before, and did my final exams in 1949. Thereafter I went to Cologne University, where I studied Law, until 1953.

Was your father changed by those war years, do you think, Horst?

My father was – well, there were streaks of irresponsibility in his conduct. He gambled too much, and this caused a good many difficulties in our personal lives. My mother and I had to bear the consequences of this But I don't know whether this had anything to do with the War. It caused a certain amount of unhappiness in our personal relations.

For you, was Cologne University a very good experience?

The Law Faculty at Cologne University was a very, very good one, they had a good many extremely capable and well-known professors. One example is Professor Nipperdie, for instance, who taught private law.

Sorry, what was his name, Horst?

Nipperdie, Nipperdie was his name, and he eventually became the president of the federal appeal court in labour matters. Germany has a number of branches of the judiciary and this was one. His works are well-remembered even now, so it's just one example of a number of very, very good people who were there. So I think the experience was a very positive one on the whole, although I did find that the best part of the educational experience was really the

¹ POW – prisoner of war.

writing of essays, which I thought was a very positive thing, and I wrote a lot of those even though it wasn't necessarily compulsory; and I think I gained more from that than almost anything else – certainly more than I did from the lectures.

Now, had you been involved in the international work camp situation before or after university?

No, this was beforehand. I wasn't able to attend university immediately after graduating from school, there was an intermission of about half a year and I thought I'd make use of that by joining international student work camps. They'd been set up by the Quakers and very similar organisations in the course of rebuilding Europe, and I attended a number of these camps and found those very, very positive, largely because I was able to meet people – students and others – from so many other countries. We had people from New Zealand, United States, England, Indonesia – did I mention Indonesia? – Holland and so on, and from everywhere they came. After having been, shall we say, somewhat claustrophobically confined in a totally Germany context, I found this really quite a liberating experience. The relations in these camps tended to be very good and friendly. It was all based on the idea of doing pick-and-shovel work. It was a very simple form of existence. And, because of the international aspect of it, I found it very, very positive indeed and maintained contact with quite a few of the people I met there for many years.

So for you that was a liberating experience.

It was, yes. Yes. Life in Germany was pretty one-dimensional because of the very repressive political situation in which we found ourselves. The only thing that was available was Nazi ideology, that penetrated certain aspects of school – not all aspects of school, but it did penetrate into German teaching, it penetrated into Biology particularly, and so you tended to get this kind of belligerent, chauvinistic aspect rammed down your throat and – well, as I said, it was a form of liberation, really, from that sort of myopic view of life.

Horst, you told me when we last met of this story of carting fifteen hundred weight of potatoes across Germany.

(laughter) Well, because – – –.

Was that at this time also?

Yes, it was. It was when we retransferred back to Wuppertal from Central Germany. The distance was about four hundred kilometres. And of course from 1945 until 1947 the poor old

Germans were given some of their own medicine, so to speak: the medicine they'd dished out to the countries surrounding Germany when they were occupying them was that the Germans were not going to go hungry even if the other people did. And all of a sudden the situation was reversed, it was the Germans who were going hungry, which was quite a wholesome experience in some ways. (laughs) But one had to attempt to look after oneself a little. And living in a very rural sort of context we had access to certain things like potatoes, and we knew that this was a very rare article in Western Germany so when we transferred our possessions to West Germany there were also quite a few potatoes, and I was given the task of (laughs) transferring them to Wuppertal where there was great potato famine usually. And it was all done on a tractor with a number of trailers, and the potatoes were in boxes which we'd been able to get which had originally been – very solid boxes, which had originally been designed and manufactured in order to carry landmines. (laughs)

It's an extraordinary story.

And the maximum speed of this conveyance was fifteen kilometres per hour, so on the *Autobahn* you're no longer allowed to take anything that can't go any faster usually; but then we did and it took days before we actually got to our destination.

What took you in to the choice of law as a major at university?

Well, I think when I was at school we were very strongly under the influence of a very impressive teacher of religion. He was a Lutheran pastor who'd been a member of the Confessing Church and an ardent enemy of the Nazi movement, and he'd been saved from ending up in a concentration camp only by being drafted into the army. And he'd gone through the Russian campaign, came back in '45 and he was a most impressive man. Everyone in our class, all the boys in our class, were very impressed by him, and it was obvious that my destination was theology – that's what it says on my matriculation certificate. But once his influence waned, I think this (laughs) determination became fainter and fainter. One reason why I studied law was because I was a bit uncertain as to what to do after religion gave way, as it were. And I sent my handwriting to a graphology expert and the advice was to study law. Now, I'm not sure that that was really the motivating factor, but it sort of reinforced the idea that this is what I should do.

So following your time at Cologne, you were in fact fortunate to gain a Fulbright Scholarship.

No, it wasn't quite at that time. I think I graduated in '53 and then became a *Referendar*, which is a sort of trainee in law. This was a three and a half year period during which we were taken through all the practical aspects of the administration of the law – civil, criminal, administrative and so on – and it was after I'd been in this program in Wuppertal for about one and a half years that a circular came round inviting people to apply for a Fulbright Scholarship, together with the advice that it wasn't much point in trying because people didn't seem to be successful in gaining this. But anyway, I wasn't deterred by this; applied, and was eventually lucky enough to be given one of these scholarships.

I think the Americans were fairly liberal in distributing these scholarships in Germany because they had this sort of sense that the German youngsters needed to be re-educated. (laughs) So I was a bit of a beneficiary of that policy.

Was the time at New York University an enjoyable time for you?

Oh, very much, yes, I enjoyed that enormously. I thought that it was – in a sense I think it was rather different from the Cologne experience because the Americans have a tendency to work so much harder, you know, the students are just incredibly industrious, to the point where we thought they were limiting themselves a little bit by doing nothing else other than study law. Anyway, it was difficult to avoid that, kind of. I got into this – that was the ethos of New York University Law School, and you can't escape these things altogether, so I worked incredibly hard, particularly in my second year. I was there for only one year, the program was only for one year, but because I came top in our class they decided to invite me to become a teaching fellow in second year and during that period I was to do something else as well so I studied in the ordinary LLB program, and it was then that I became an American student, as it were, working just as hard as they did. Meanwhile, I remember before the Constitutional Law examination at the end of that second year, for example, I spent one whole night unable to go to sleep because I was so full of constitutional law. (laughs)

Does it always affect people like this, Horst?

No, I think I might have been a little more susceptible than some to this kind of thing. But anyway, I did very well as a result and at the end of the second year the Dean suggested I might want to go to, I think it was Indianapolis as a sort of visiting professor for a bit, but I was

keen to get back to Germany, finish my German program, my German practical studies, and so I didn't do this.

Had the American experience opened you up to a wider view of life, do you think?

Well, I think it was really reinforcing the experiences I had in these work camps, in a sense, because again it was a very international – – –. New York, people say New York is very different from the rest of America because it is – it was at that time, at any rate – so very international. And it was reinforcing these early experiences in a more intellectual sphere, so to speak. Yes, I think that is probably what happened, yes. And of course the Law School, it had international programs and it had programs bringing in the best from all over America, the country, so I got to know quite a few very bright American students and have remained friends with them until this day. We had a phone call only just a little while ago from a friend of mine who lives in Philadelphia and wants to come and visit us, which is all very nice.

Now, you met your wife in America, too, is that correct?

Yes. Yes, indeed, yes. It was (laughs) a strange story. We met at a dinner organised by Dr Pratt, who was an American psychiatrist with a special interest in foreign students. I hope the interest was not professional; (laughs) it was more sort of personal. And there was a party for about seventy or so foreign students which I attended, a dinner party, and they had a lecturer, he invited a lecturer from one of the American colleges to talk about Indian folk music, and the lady came with a zither, an Indian zither, a zither-like instrument, and during a break I saw this sitting there and Ruth was standing close to it as well, and I liked what I saw, I must admit. She was fairly simply dressed but elegantly, and she wasn't wearing a great deal of make-up. And the conclusion I drew that she must be a German girl. (laughs) So it was on this basis that I made some sort of inane comment about the zither to her, and from this developed a bit of conversation. And then we met again and over a period of about a year or so, interrupted by a period I spent in Germany, we corresponded and eventually became engaged.

Now, Ruth, an Australian girl, was in America.

Yes, she was born in Brisbane and she had been in Sydney studying – she was a pianist really, but she'd also studied librarianship in Sydney and had worked as a librarian in Ryegate[?] in England for two years and then went to America on a kind of exchange program. So she was working in the Brooklyn Public Library when I met her, and eventually became a member of staff of the Columbia Library School and it's at that point that we

became engaged – very much against the advice of the professor, Professor Lindeman[?], that she worked with at the time who thought that marrying a German was the most fearful mistake she could possibly make. (laughs) Because German husbands, he thought, Professor Lindeman thought, made the most dreadful husbands on earth, you see. So she just didn't know how meek I was. (laughter)

Horst, with that background – you a German studying in America, Ruth a Queenslander studying in America – how did you ever come to the University of Adelaide in 1959?

Well, I think our plan was to – I returned to Germany in July of 1957, and resumed my work there as a *Referendar* working with the courts, for the various courts. We had ideas of sort of remaining, my completing my training there and Ruth completing her PhD in New York and then marrying after about two years; but as the point of separation approached this became a more and more unrealistic kind of prospect because we weren't so very young any more, we both were thirty, and we realised that a period of two years, separation of two years, might be too much of a strain on the relationship for it to survive, and so we decided – very boldly and very stupidly, in a way, because we didn't have a financial basis for marriage – she would come to Germany and we'd get married straight away. And this is what actually happened. Anyway, we spent one and a half years in Germany. I completed my doctoral degree at Cologne University and I also completed my assessor exam, as it was called in Germany, which enabled me to practise in Germany. But, as these events approached, Ruth became more and more nervous about our prospects afterwards and she also wasn't terribly happy living in Germany, so she encouraged me to seek career avenues elsewhere.

I wrote to America, to Dean Isles, who was the Dean of the Law School, and I also wrote to Geoffrey Sawer in Australia, who was then the head of the Department of Legal Studies at the ANU.² And Sawer sent a copy of my letter to the various law schools and it was Adelaide that responded very positively. They suggested that if I wanted to come they would encourage me to do so because the universities, including the law schools, were undergoing a period of expansion. Although they couldn't appoint me to a lectureship or anything of that sort, they could appoint me to a tutorship for one year with a possibility of reappointment if it became mutually satisfactory. And it was on this kind of basis that I packed up, I left behind all my Germany involvements and eventually arrived here in Adelaide on 29th of July 1959.

² ANU – Australian National University.

Horst, you told me when we last spoke that you actually also approached the Law Societies in Australia but you got a – – –.

I did, yes. I wrote to Law Societies as well, and the replies which I received, I think they were all courteous enough to reply, but I can only describe the replies I received as 'frosty'. (laughs) I think they must have thought it rather odd for someone with a German background to want to join the Australian legal profession. So that wasn't terribly encouraging, I must admit.

So on the 29th July 1959 you arrived in Adelaide. What was the University of Adelaide like at the time, Horst?

Well, of course I was sort of introduced into the Law Department and I was given to understand that the Law Department had expanded fairly recently. This was the result of the appointment of Professor Norville Morris, who had been appointed I think in 1958, and he had succeeded in inducing the University to establish a number of new lecturing positions and he brought with him a group of people who were affectionately described by people in Adelaide as the 'Melbourne Mafia'. One of them was Alex Castles, who was destined to become one of the law professors in Adelaide in 1967, and until his retirement was one of the very highly-regarded law teachers and researchers here in Adelaide, and he's really in a sense – he became the father, if you like, of the discipline of Australian legal history with his writings and so on. Another one was Igor Kavass, son of I think it was a Latvian father and a Ukrainian mother, and having according to Professor O'Connell inherited the weakness of Russian melancholia. (laughs)

Was his surname spelt K-V-A-S-S?

Igor.

Surname?

Oh, surname: Kavass, K-A-V-A-S-S, yes. Kavass, Igor Kavass. Well, Igor wasn't terribly happy in Adelaide. He went on study leave to Alabama in America and rather liked the American scene and eventually transferred entirely to America and became really the most important law librarian in the United States. I've met him again a number of times and there's no doubt that he was a very big man in American terms indeed, and also in the international librarian field as well.

Frank Miles was another one, he was close to Santamaria³, close to the – was it the Civic Movement, is that what they called it?

Yes, that's part of it.

Yes, he was politically very close to him, an elderly man. He was renowned as the most successful first-year teacher in the country. Wasn't too happy in Adelaide and went back to Melbourne after a time. So it was this sort of group that I was in there. Someone whom Morris had inherited, as it were, was Dan O'Connell. He was the International Law teacher in Adelaide, a person who had been – he had a Cambridge PhD. He became more and more respected in the international law field, and was enormously productive. His book on state succession, that's his PhD thesis, was eventually turned into a two-volume work, probably the most important work in the field of state succession, which was one of the important aspects of international law. He also wrote a treatise on law in two volumes, a book on Richelieu and so on. So he was enormously successful and had been, in a sense, the person who'd taken the greatest interest in me, perhaps because of the fact that his wife was German. He told me in early letters that my matrimonial situation was the reverse of his.

But I think when you ask what the University was like, well, I think the Law School at the time was obviously an expanding institution. Morris was a man of such enormous management skills and with such good sense that he integrated the Law School into the overall legal system in South Australia. He established continuing legal education for lawyers. He also integrated us into the wider academic world, he was the sort of man who didn't feel in the least inferior to people in the highest possible places, whether it was Harvard or Oxford. He would always converse and correspond with people in these places on terms of total equality, and as a result I think we had a period of, shall we say, considerable international integration with visitors from other places coming to Adelaide and so on. So I thought it was a – I mean, I was very interested in the common law, which seemed to me to be so much more interesting than German law, which is all codified in statutory form, partly because this is more historically linked with the history of the law than was the case with the civil law system. So I was very happy with that transfer.

³ Bob Santamaria was the founder of the anti-communist National Civic Council.

What about physically, Horst, where was it situated when you arrived?

Well, I think the Law School was on the first floor of the Mitchell Building, and it was a very elegant environment. As you know, the Mitchell Building is a wonderful building. It was a little bit on the small side, they didn't have a room for me, for example; I was given a desk up in the attic, which was a very large area, and when I came to work one day it turned out that somebody had removed everything there was in the attic, they decided to clean it out, and they'd cleaned out not only all the rubbish that was sitting up there but also my desk. (laughter) So I had a good deal of difficulty to recover my possessions. I was pretty upset about that. But I also taught up there. You know, in the attic there was a special sort of table where I held my tutorials.

I can't picture the attic. So you just keep climbing the stairway, do you?

I think there must be, yes. I can't quite remember how I got up there, but there must have been a separate staircase leading all the way up there. That's where I was for quite a period. But then of course, after a number of months, we were transferred to a newly-built annexe to the Barr Smith Library, which was very unattractive accommodation. The Law Library was downstairs and the studies were on the first floor.

Is this the Western Annexe, Horst, nearest to the Union?

It is, yes, the Western Annexe, yes, it was built at that time. And Philosophy and French were accommodated there as well, but it was all rather tight, the accommodation was pretty tight. They didn't have a study for me, so I had to be content to be accommodated in the Philosophy Department one storey higher up, you see – which suited me perfectly, because I thought the philosophers delightful people, Jack Smart and Charlie Martin and Presley and all these people I got to know very well, I used to take tea with them, and I thought that was a most enriching experience. Bit like my work camp experience. (laughter) You get to know people who are not lawyers. So I was not unhappy there at all; but I think some people, and O'Connell particularly, accused the Registrar of being an empire builder, kicking us out of this marvellous accommodation in the Mitchell Building with its lovely bookshelves and nice furniture and so on.

Was the Registrar Vic Edgeloe at the time?

It was Vic Edgeloe at the time, yes.

How did he strike you, Horst?

Well, Vic had a view of academics which wasn't necessarily endearing to academics. He took the view that all academics were fraudulent until they'd established their honesty, and I had a bit of a problem with that myself when I became head of the department. (laughs) But I think I persuaded him in the end that he could believe me. Another point he made was that when you set a deadline to an academic, when you set an academic a deadline, well, that will be the day on which he will start working on the (laughs) matter he's supposed to do, so he was fairly cynical. But I think Vic also had a tendency to – I'm not sure how good he was at delegating. I think Dan O'Connell came one day and said that the Registrar had taken over the parking arrangements, he was directing the traffic in the car park. (laughs) So Vic – I mean, I rather liked Vic. I think he had a great love of the University. To him the University was the one and only thing. He'd grown up from the ranks and I think that he once described the University as an 'organic mystery' or a 'mysterious organism' or something of this kind. But he was very much a man of the old school, you know: don't drink your beer until you're twenty-five, and he'd given all these undertakings and kept to them.

I think he was considered, when I came – that was in the days of Henry Bastion who was Vice-Chancellor – he was considered the dominant person in the University and people tended to think that the Vice-Chancellor was in his pocket, you see. I remember a meeting of the Staff Association at which Bastion had to introduce himself, and you had to not only state your name and status but also the department in which you worked, you see. So he introduced himself as 'Vice-Chancellor, working in the Registrar's Department'. (laughter) As you can imagine, this was regarded as most amusing, because people had this sort of notion of him. Whether that was justified I don't know; I thought Bastion was a very good Vice-Chancellor.

Where was the Staff Association in those days, in the early '60s?

Well, I think they tended to meet in the old Anatomy Building, which had been converted to the Staff Club, that's where the meetings took place. We also had a meeting in the old Prince of Wales Building at one stage, in one of the lecture theatres there, I remember. That was quite a memorable meeting because Hugh Stretton was trying very hard to get an Israeli to join his staff, and the Israeli wasn't given a visa by the Australian Government on the basis that he'd been a member of the Stern Gang, you see. And Stretton argued that because he'd been personally involved in history in this way he was going to be a particularly competent lecturer.

But I don't think he got him. I've no idea who he was, I can't recall his name; but just that's one of the things that I remember from the early Staff Association days.

You recalled Hugh Stretton then. Were there other people like Hugh in the wider university that you found interesting characters?

Well, yes, there were – I mean people like Badger and so on. But I didn't really get to know the wider university nearly as intimately as I did later when I became head of the Law Department in 1970, all of a sudden I was confronted with senior committees, the Allocations Committee and so on, and so I became fairly familiar. In some ways it was my first opportunity to really become thoroughly acquainted with people from all over the University, leading lights from all over the University, and that was a most positive experience, I must say.

Before we get to that period, Horst, could we just backtrack a little?

Yes.

What was Adelaide like for you and your family in the early 1960s? Did you feel accepted?

Well, with my particular background, a German background – an, if you like, Nazi background – my expectation was that I would have difficulties in the Anglo-Saxon world. At New York University Law School I had been put in an institution which could be almost described as a Zionist law school, because ninety per cent of the student body would have been Jewish, you see. Never did I have a single instance, I cannot recall a single instance, where I would have been exposed to any kind of criticism or rejection on the basis of my being German; and much the same applied in Adelaide. I cannot recall a single instance in Adelaide of having been viewed critically on that basis – which doesn't mean that I wasn't so viewed; I mean, that is entirely possible; but it was certainly never communicated to me, which in retrospect I must say is a very happy state of affairs. I think people were inclined to view you just on a personal basis rather than on the basis of your belonging to any kind of group or nationality.

I remember when the University wanted me to become the head of the Law Department, I went to the Vice-Chancellor and said, 'Look, this is impossible because I'm still German.' And Badger immediately went to his shelves and pulled down the *University Act* and said, 'Look, it says here that we cannot discriminate' (laughs) 'on the basis of religion, nationality or whatever', you see. So that was very quickly wiped off the table. I thought I might escape a fate worse than death in this way. (laughter)

Did you have much of a university social life in those early years you were here?

Well, Ruth joined the University Women's Club – University Wives' Club, it was called in the early days – so she was well integrated into the University on that kind of basis. They had meetings where they greeted new members of staff and so on. I think that my own involvement with the University as a whole was rather – I was very busy as a young lecturer, it was really more or less a law environment in which I was moving rather than – – –. But of course a law environment didn't mean only academics, you know; in those days, we were all members of the Faculty, all the law lecturers were members of the Law Faculty, and the Law Faculty had practitioners, judges on it and so on, so we got to know these sorts of people, too.

I remember, for example, Howard Zelling coming out to us – we were living in Klemzig in a Housing Trust house – for afternoon tea, so there was a certain amount of integration, if you like, into the legal profession on a very limited kind of basis, in that sort of way.

So were people like the Zellings very welcoming, were they?

Well, yes – in a limited sort of way, you know. I mean the O'Connell's were very welcoming. As soon as we came we had a personal relationship with them. They drove us down to Victor Harbor to show us a little of the country and so on. And I think the relations with members of the legal profession were not as lively as that, but we used to meet simply in the Law Faculty and occasionally there was a little personal contact, but that wasn't – I wouldn't describe that as intense.

Did you find the law profession reasonably closed or parochial in Adelaide?

I think there were periods of tension between the Law Faculty or the Law School and the legal profession. Some members of the legal profession were extremely critical of what was going on in the Law School. That's natural; I think you find that in a lot of places. When I became head of the Law Department in 1970, I also became more or less automatically a member of the Law Society Council. I was a member of the Council for six years and of course got to know people very well in that way, and I don't think I missed a single meeting because I thought it was so important that there should be a link. We might not always have the same point of view, but at least there should be a good deal of communication, was my point of view.

How did you actually become head of the Law School, Horst? You said it was a 'fate worse than death'.

(laughs) It was in 1964 that Arthur Rogerson arrived. He had been a fellow of Jesus College, Oxford, and he'd been appointed to the deanship, to a professorship and the deanship. He became the Bonython Professor of Law and it was understood that the deanship went with it. He was certainly automatically the head of the Law Department for life, as far as we knew. He wasn't automatically the Dean, because the Dean needed to be elected year by year; but the understanding was that he would more or less automatically be elected.

Now, once we moved into the Vietnam period, 1968–69, the position of any kind of permanent head of any kind of department became very controversial. The Law School is no exception, and there were a lot of people who felt that the staff should have a good deal more involvement in the affairs of the Law School. And there was, if you like, a kind of revolution against the head. No discredit to Arthur, I always got on very well with him; but he was in England at the time and I think the staff sent a delegation to the Vice-Chancellor insisting on a change in the governmental arrangements in the Law School. Arthur took this rather personally, which was unfortunate; but at any rate he eventually resigned and so someone else had to take over.

I had tried in this whole affair to take a fairly neutral position or an independent position, I had objected to the idea of making any moves while he was away, and so I was regarded as a fairly ideal person to take over, because I was sort of between the two camps, as it were: those who supported Arthur and those who opposed him. I found this whole experience a very unhappy experience and I certainly didn't like being put in the position of taking over because it must have given the Head of Department, Arthur, the impression that I was the manipulator behind the whole business, having done so with the object of moving into his position, you see, which is not how it happened at all. At any rate, when he came back I think it turned out that he was very understanding. I think he co-operated well with me. There were occasional difficulties, but they were natural because Arthur was generally speaking a somewhat difficult fellow. But at any rate, I think we kept things going.

It was a difficult period. When I took over I felt that I was fighting on ever so many fronts. The students were rebellious, the Law Society was critical, the other faculties didn't like what the Law School was doing, so one was surrounded by people who had to be persuaded to be more co-operative, as it were. I feel that I was reasonably successful.

Do you know if that was typical for the University as a whole at that period?

I think there were a lot of rumblings in, yes, many other places as well. I don't know any great detail about this, but we had a difficult time.

Horst, could you just explain your movement through the Law School from the years you arrived until this?

I was a tutor in 1959 and continued in that position in 1960, and because I didn't have an Australian degree I think I was encouraged to study in the LLB program. I was given credit for quite a good deal of the work I'd done in the United States because I'd been in the LLB program there, studying subjects like Torts and Contract and so on. But I studied something like seven subjects in order to qualify for the LLB and I did qualify at the end of 1960, having worked very, very hard at that time; and I was then appointed to a senior lectureship. A senior lectureship because there was a general policy at law schools around Australia they should, as it were, recruit at that level. Recruiting at lecturer level was considered to be unsatisfactory because there was so much competition from the legal profession for really good people, so in a way that was a fairly fortunate beginning from my point of view. And I was then promoted to reader in 1965, and I was promoted to a personal chair in 1967.

At that time we had O'Connell – I think the Faculty consisted of about twenty-five people or so, and we had O'Connell one of the professors; Castles had become a professor too in 1967; and there was Rogerson. So the total complement of professors was four.

Would you have anticipated when you came in '59 that you would be a professor within a decade?

Of course not, no. I think that my German colleagues, when I went back to Germany and explained the situation, they thought my rise to that level was nothing short of rapid, you see, and when I was told this it was quite obvious that there was a kind of somewhat critical (laughs) tone which accompanied the comments that were made.

Was there an understanding in Germany that one should serve an apprenticeship a bit longer, was there?

Well, the situation in Germany is utterly different. There, first of all you write your doctoral dissertation and then you write a second doctoral dissertation which gives you what is called the *Dr.habil*, that is the sort of research work you do in order to qualify to be allowed to lecture in universities, and for some people this takes a lot of time and not infrequently I think people finally manage to get a chair when they're forty-five or fifty. So the situation's very, very

different, and this is one reason why they thought – my friends in Germany thought that it was all happening rather rapidly.

Well, Horst, what had you been teaching throughout the 1960s?

I started with Torts and Contract, which were both central common-law subjects and are, even to this day, I think they can be regarded as fairly central subjects. During the first few years I taught – it was common practice at that time for people to teach two and a half subjects. My main subject was Contract, second subject was Private International Law, which is – I don't know whether you're familiar with that as a subject.

No.

Private international law is different from international law, in the sense that it's part of the Australian legal system, it isn't an over-arching thing that, as it were, regulates the relationships of nations, which is the case with international law. Rather, it's that part of the law of South Australia and the law of Australia which governs situations which have international links. For example, a married concluded overseas would have to be tested here for its validity, and the principles that apply to that are the principles of private international law; or a contract concluded overseas; or a tort committed in one country by people from other countries, and so on. Whenever there's this kind of international involvement, you have a special set of principles which govern the question which particular legal system needs to be applied, in Australia, in order to resolve the issues that arise in that way. So I taught that until 1967 or thereabouts.

And I also became very interested in legal history and particularly the history of the law of contract, and I think that it was my work in legal history – it was fifteenth-century English legal history or sixteenth-century English legal history that I dealt with, and I think in a way that sort of accounted a bit for my success and promotions and so on, because the legal historians in Oxford rather liked that and they would have written fairly good references on the basis of the work – – –.

Did you publish in that, Horst?

Oh, yes. It was published – the *Law Quarterly Review* was good enough to publish a long article of mine on that subject, which at the time was regarded as a bit of a breakthrough. I remember one English legal historian writing a second edition of his book on contract saying that his work on sixteenth-century contract development was based entirely on my article, you

see. So it was a fairly successful piece of work. But now, of course, eventually they moved on and dealt with things, and particularly John Baker from Cambridge, moved on and dealt with these sorts of matters on a slightly different footing. I mean, I still don't think that he is right; I think that -- --. (laughter) But I corresponded with him and he referred to my work and so on. So I think that gave me what in Adelaide is regarded as very important, which is a bit of an international reputation.

Was there a link philosophically in Adelaide at the time – and I may be getting into uncertain territory here – between the old British universities and Adelaide, was there still seen to be that link between the institutions, do you think?

Well, you see, Arthur had been a fellow of Jesus College, Oxford, when he took over. And even before, even through Norval Morris, we had links with Oxford. In 1962, Rupert Cross, who was a very well-known Oxford academic – a blind man, who'd been blind from birth – he spent a whole year in Adelaide teaching Evidence, which was his main field. Later, in 1967, we had David Williams here for a whole year. David Williams had been a fellow of Keble College in Oxford. We had Derek Davies here frequently, a number of times, also for fairly long periods. He was a fellow of Catherine College in Oxford. So yes, there were fairly close links with Oxford at that time. And of course eventually some of our people became members of the faculty in Oxford, you see. Dan O'Connell was appointed, in '72 he was appointed Professor of International Law in Oxford. John Finnis had gone to Oxford in the early '60s and eventually became Professor of Jurisprudence in Oxford. So yes, I think these links were fairly significant and in a way they gave us a bit of additional status which we might not have had before.

Oxford links were always very important in the Law School because, going back to the days of Dick Blackburn, for example, who was Professor of Law from '49–57 here, he was an Oxford graduate. He was an Adelaide man who'd gone to Oxford to do the BCL⁴ and came back with a BCL.

Did you meet him?

Oh, yes, yes. I took over from him. He taught Contract and I took over from him. He continued to teach Contract even after his retirement. He retired in '57 and carried on until '58 – and '59, he still taught in '59; and '60, that's right. And I then took over in '61, you see. And

⁴ BCL – Bachelor of Civil Law.

I started writing articles in Contract and I remember sending him my first article, which was called 'Striking a bargain', and I got a letter back from him saying that he was appalled that anybody should put forward such views. (laughter) So he didn't like it at all, and I think he must have felt badly having written to me in these rather acid terms because when I wrote another piece later, when he had become a judge of the ACT⁵ Supreme Court, he mentioned this other piece in one of his judgments and gave it the most enthusiastic commendation, you see. (laughter) So that was all very nice.

The perils of publishing.

Exactly, that's right.

What about some of the other people you taught with through this period, Horst, could you tell me a little bit about them? You've mentioned Igor Kavass and Alex Castles and Dan O'Connell; who are some of the others?

Well, in the very early days when I arrived here, of course that was pretty well the complement. There was Frank Myer, I mentioned him as well. Then, shortly thereafter, I think it might have been in '61 that Norville Morris appointed Colin Howard. He is an English academic, he'd been a lecturer in Queensland – Queensland actually did have lecturers. He was appointed at lecturer level, so it wasn't all the universities that recruited at senior lecturer level. And we had another English academic who came over was Brian Hogan. He came from Leeds, he was a member of staff in Leeds. And he maintained that he was suffering from 'lawyer's impotence', as he called it. (laughter) He couldn't have children, and he and his wife Pauline he said couldn't have children because of this, and he maintained it was the result of sitting at your desk for too long, he said, which caused impotence. Anyway, it couldn't have been too bad because there was a period of about six months during which just about every member of staff was able to announce the birth of a girl, you see, including the Hogans.

Including the Hogans?

That's right! (laughter) So he must have been cured by the air of Adelaide, I think, his condition.

So relations at that very early time were very close. We had lots of parties and we saw a lot of each other, the legal academics represented a relatively close-knit group, in a way.

⁵ ACT – Australian Capital Territory.

Inviting people to dinner, having parties and so on was regarded as a natural part of life. And Colin Howard didn't really fit all that well into that sort of environment. He was a fairly acerbic kind of character. Very able, enormously able man, but I think some people heaved a sigh of relief when he was recruited by Zelman Cowan to the Melbourne Law School, he became a professor at the Melbourne Law School.

What about people in the wider profession, like John Bray? Did you have much to do with him?

Ah, yes. Well, John Bray, of course, was very keen on the Law School. He was really an academic at heart, if you like, and whenever we had a staff seminar he would come down and take part, he would sit there and listen to what people had to say. I remember giving a paper on the enforcement of money claims, and John Bray was right there listening and so on. He liked my approach, because he was very interested in legal history, very interested in Roman law, and to him I think I sort of combined things which are relatively rare in law schools: one, the interest in legal history; and secondly, the sort of link with Roman law, you see, and I represented both those things. So I think I can honestly say that I was – I mean, I was never very close to him personally, but in academic terms he rather liked what I was doing, I think.

At an early staff dinner did you have a rejoinder with him, was that correct? You mentioned something about the German sense of humour and he had to give a reply, was that right?

Trying to remember. Oh, of course! (laughs) Oh, this was *very* early, this was way back in 1961 when I had only just been appointed. I went to a student dinner and because I was the most junior member of staff I had to reply to the toast to the staff, you see. The toast to the staff was delivered by a chap who eventually became a Labor member of parliament, Terry McRae was his name.

Oh, yes.

He died recently.

Yes.

Terry McRae had consumed a good deal of alcohol by the time he was called upon to deliver his toast to the staff, and I had prepared a little speech – a rather dainty speech – about the German sense of humour, you see, in which I made the point that it was wrong to say that Germans had no sense of humour because, after all, the first serious study of the phenomenon of study was written by Schopenhauer. (laughs) Anyway, Terry McRae – I

mean, his speech, toast to the staff, was nothing but a long string of very, very ordinary, very nasty expletives. It was just so insulting, I felt really awful having – I mean, it was perfectly obvious that my speech was utterly inappropriate as a response to what had been said, you see, but I felt I had no real option; I had to deliver it. And when I was finished John Bray came over and tapped me on the shoulder and said, 'Horst, I thought it was a splendid job done in extremely adverse circumstances.' (laughs) Yes, that was rather nice.

So returning again, jumping periods again, Horst, you've met all these people, you've worked with them for nearly a decade, and then you come to a time where you become head of the Law School. You said that that was really quite a difficult period to step into that situation.

Yes, it was, yes.

Not just because of Arthur Rogerson's position but because of everything that was going on. It's also the time in the early '70s where Dr Duncan is found dead. Now, was that something that affected you as well, in that position?

Well, yes, I was very much involved in this. I mean I had been instrumental in having him appointed. It was very common for such positions to be advertised overseas as well, you know, and he had responded. He apparently was keen to return to Australia. He was a Melbourne boy who'd contracted tuberculosis at an early age, had a very difficult childhood apparently, and had gone to London. I don't think he studied Law in Australia; he went to London and became a bank teller, I think, and was very much taken in hand by two ladies – a lady and her daughter, who took an interest in him – and it looks as though they persuaded him to go to Cambridge and study Law. And he did, and he eventually did a PhD in Cambridge and became a lecturer in Bristol. He accepted our appointment because he wanted to get back to Australia.

He'd only been here for about three weeks when he was drowned in the Torrens, when he was grabbed by some rather brutish gang of people who threw him into the Torrens, and he couldn't swim. He only had one lung because of tuberculosis and he wasn't able to swim. So he drowned. It was very dark. Although these people, whoever they were, who'd thrown him in tried to save him – one of them stripped down to his underpants and jumped in – they couldn't find him because it was too dark, you see.

I mean, I was very much involved in this because it turned out that so far as anybody could work out he had no living relatives. He was completely on his own, this man. His sister had predeceased him in New Zealand, his father had died, his mother had died when he was quite young. And he was quite well-to-do, he'd inherited a lot of BHP shares – goodness knows

what they'd be worth by now – so he wasn't at all poor; and the Public Trustee had the problem of knowing what to do with his estate. I think eventually, after quite some time, they found some kind of relative.

But because he had no-one able to look after his interests – you know that when somebody has only just died you have a sort of feeling that there's still interests to look after –

Yes.

– because he is dead and so on? I felt that I had to involve myself as Head of Department. And when it seemed as though the investigations into the Duncan case were petering out, nobody seemed very interested to work out just who had committed this deed, I wrote to the Attorney General and to the Police Commissioner and insisted that something more must happen about this, and eventually a man called Bob Whittington, who's the crime journalist of *The Advertiser* took an interest in this and the whole thing became a *cause célèbre*. But it was a fairly stressful business, certainly.

I kept being invited to secret meetings of homosexual groups in Adelaide, you know, and I think they regarded me as a bit of a hero because I'd taken up this cause, you see. But to me the homosexual aspect was one that wasn't really significant early on; it was just that one of our lecturers had been drowned and I felt that this needed to be cleared up. But of course eventually I think he was regarded by a lot of people as a kind of homosexual martyr.

Which would not have even entered your mind in those early days.

Not initially, no. But then the Coroner made a finding – the Coroner was a very old man, he was I think ninety years old or so, and he made a finding that he had been, based on the forensic examination, the medical examination, that he'd been a 'passive homosexual', that's how it was put in the report. And Alex Castles, who was the Dean at the time, and I – I was Head of Department, he was Dean – we both thought that this was a most unfortunate finding which was not necessary, and of course it would have demeaned Duncan in the eyes of a good many people because there still was at that time a tremendous prejudice against homosexuals.

Now, following your headship of the Law School, what transpired then in your career, Horst?

Well, I think I was head of the Law Department from '70–72, including that three years, and then again from '76–78. I think that's right. Is that right? Anyway, for two three-year periods in the '70s. And during that period, being head of department meant that you had no

concessions of any kind. You weren't paid any additional money and your teaching obligations remained the same, there was absolutely no let-up there. I thought it was really asking rather much of people to be in that position. And I'm fairly conscientious and I tried to do justice to all these aspects of what I was doing, and after '78 some of the younger members of staff, some of the more junior members of staff, became willing to take over these positions and this went on until the early '80s. And I was beginning to feel then that the headship of the department was going to come my way again, probably in the mid-'80s, and it was in '84 that the University decided it wanted to reduce the staff, total University staff, by twenty-five persons – this is the academic staff – and they made a relatively generous offer. And I thought about this for a while and then decided it made sense for me to accept this offer and I resigned. At the age of fifty-five, I retired from the University, with my superannuation plus a sort of incentive payment. I'd never had much money apart from my salary, and I thought it was rather attractive to become a mini-capitalist – new experience, you see. (laughs)

May I just start another session? Excuse me, Horst.

END OF DISK 1: DISK 2

This is the second session of an interview with Horst Lucke (pron. 'Luke') – is that correct pronunciation?

Well, the German pronunciation's really Lucke.

For the University of Adelaide's Oral History on the 17th October 2006. Horst, we got to the point of discussing you took early retirement.

Yes.

But in fact it wasn't retirement at all for you, was it?

Well, one of the motivating factors was that I knew at the time that compulsory retirement at sixty-five was part of the system, you couldn't work after sixty-five, that was common practice. And I didn't particularly like this idea and I thought that if I got out early I didn't anticipate a great deal of difficulty in securing another position somewhere if I wanted it – although the University had a practice of not allowing people to retire early in this way if they already had an offer from somewhere else; I didn't have anything like that, you know, I just thought it wasn't going to be so very difficult because law teachers were in demand at the time.

So anyway, one of the steps we took as a result of my retirement was to sell the house in Medindie and to move to something more appropriate to our new financial status, and this caused a certain dissention between my wife and me because I thought it was sensible to move into a small place. The house in Medindie was a very big one; the children had moved out and my mother-in-law had died so there was no call for anything as big as that. When I put this to Ruth I immediately was faced with the suggestion that, no, no, it has to be something much bigger than you think because the children might want to come back, you see. (laughs) My attitude was more or less 'to hell with the children' (laughter) at this stage. Anyway, the compromise was eventually we were going to buy a house of reasonable size at the price of a small one, and the only place where you were able to get this kind of thing was Semaphore, which was not regarded as a particularly nice part of Adelaide. Some of my friends said, 'You're not moving to Semaphore, are you? One doesn't live in Semaphore.' Anyway, this didn't seem to be a valid point of view from our point of view. We bought this house, which was in poor condition, and we did initially a lot of work to get it up to a reasonable standard. And it soon turned out that Semaphore was indeed a problematical area of Adelaide. The point was that many of these older places had been turned into homes, into residences, for mentally-disabled people –

Oh, really?

– in the process of deinstitutionalisation which was going on at that time. Now, I think that we had – there was no lack of sympathy for people in that position, but it seemed to us to be not quite the right policy to put them all in one, relatively small area. And it turned out that, in this area where we live, there were really a lot of these homes, to the point where we did some statistical work at the time, my wife and I: it turned out that there is a relatively small area here where the ratio of mentally-disabled people to people who are not mentally-disabled was something like one to three, which we thought was unbelievable. And so there came a period of fairly intense involvement with the social problems of Semaphore.

We formed an association for the restoration of the main street as a reasonable street, and I formed a residents' association and I made a lot of submissions to various bodies – the local council, the Government of South Australia which was then the John Bannon Labor Government – and the essential point that we tried to make was that it may be all right to house deinstitutionalised people in very small areas; it may be all right to neglect public buildings and not put any investment in those so that they eventually fall over, so to speak, like

the old Town Hall here – they were in a shocking state, you know. When you entered the old Town Hall there were dead pigeons all over the place and so on. And the point we made to the Government was that what you can't do, what is not legitimate, is to have those two things both occur in the same area. That seems unconscionable. And I think these activities, which took quite a period, they were relatively successful. The Government established a working party, I think they called it a working party – a 'task force', I think they called it – to see what could be done about these problems, and I think that this would be one of the reasons – not the only one, by any means, but it was one of the reasons why this area's experienced a certain amount of revival. Its fortunes have improved.

And there were many, many discussions. I mean, one of the members of our association, for example, when we discussed all these problems, became very emotionally upset because it turned out that one of her own sons was in one of these homes, you see, schizophrenic. So we got pretty close to these sorts of issues, and I think our – Ruth and I were regarded by some of the locals as not very acceptable people because they concluded that we were very hostile to these unfortunates, you know, and we had to prove our *bona fides*, and we did so. Ruth became a member of a small group of ladies who offered tea and coffee to these people at St Bede's Hall twice a week, and I joined the Mental Health Association for a period. So these activities took quite a while.

But eventually I did feel that I must go back to the law, and I decided to travel in Germany. In 1988 I went to Germany to examine possibilities, get involved in some way, and I saw a number of law firms. I also went to the Max Planck Institute for Private Law and Private International Law in Hamburg – I'd been one of their guests in 1978 – and out of this developed an appointment of a sort of senior associateship for research into comparative problems. The Institute is very heavily involved in comparative work; for example, when the German Ministry of Finance decides that the German law on stock exchanges is in need of restoration, renovation and so on, they will go to the Institute and will say, 'Look, please tell us what the law is that governs the Tokyo stock exchange, the stock exchange of Switzerland, the London stock exchange and the New York stock exchange' – which are the most important ones – 'and do us an analysis of our laws, how they should be structured', and the Institute will then work that out and return the results, a fifteen hundred-page study, to the Ministry of Finance. This is one of their functions.

Anyway, they employed me for an initial period of six years, and then extended the appointment for another two years. It was, I must say, a very happy period for me because I

was able to work in my own country again on a full-time basis for a very acceptable salary and the prospect of a modest pension resulting from it all. Financially it was very, very satisfactory. I renewed my friendships with my old German friends, there were quite a few of them and it seemed to be very easy to be on very close terms with a good many of them very quickly, and what was the most important aspect of this, rather than become very unhappy and homesick, which was Ruth's position in the 1950s when we lived there, she was very happy with her life in Hamburg. She made contact with the English Church in Hamburg, which is a very old, venerable institution that has existed ever since 1611, has a glorious history – incidentally, a great involvement with early South Australia; I think we discussed that earlier, a most interesting aspect of it – and so she was entirely accepted by all my German friends and so we really had eight years in Hamburg which made me feel that I was sort of at home again. (laughs) A little bit of compensation, if you like, for my having been deprived of all these advantages by our emigration to Adelaide.

Anyway, this period came to an end at the end of 1968; we returned to Adelaide –

Nineteen *ninety-eight*?

– nineteen ninety-eight, I'm sorry, yes; I started at the end of 1990, it was an eight-year period – and we had never intended to remain in Germany because our children live here in Australia and we kept this house during the whole of that period, and so it was very much according to plan that we returned, and when I returned the University Law School in Adelaide suggested that I might offer a course in Comparative Law, which was my specialisation during all that period in Hamburg. They needed one, because they'd established with the University of Mannheim in Germany a joint degree course with the title 'Master of Comparative Law' and for that, of course, they needed one of the courses to be offered was to be a course in Comparative Law, so I established that and taught that for a period of seven years. I told the Dean last year that I didn't want to continue, so I've confined myself now to writing articles.

But you still have the emeritus standing with the University.

Yes. After I retired the University Council appointed me Professor Emeritus. They now call me 'Emeritus Professor' – I don't know why they turned it round, because the letter which – –
–.

It was because you went back to Germany, I think, Horst.

(laughter) I don't know. But any rate, so when I retired they gave me the position, they appointed me to the position of Visiting Research Professor, which is I think probably more important than the emeritus position because it gives me access to a room and computer and the University's facilities and so on. And I'm trying to do justice to it by becoming or being very heavily involved in the writing of research pieces.

Horst, when we last spoke, previously, you mentioned that in all the years you were involved at the University of Adelaide the greatest change of all was the introduction of the female element at the Law School. Would that still be your view?

Well, there are so many changes it's difficult to weigh them one against the other. I mean, for example, the nature of the University, the corporate nature of it and so on: it's undergone considerable changes and I think they're very important, too. But when I taught my first class in 1960 as a tutor, that was the second year of that time, there was not a single woman in the class – it was a class of about thirty and no women at all – and they were gradually introduced. I think the following year had one, Miss Lindsay[?] – that's not her present name; I've forgotten her married name. And then sort of gradually more and more came in until we've reached the point now where there are more female students than male students, and that certainly has made a big difference, yes. I think that it's difficult to know just in what way it's affected the – I think the women now tend to be less flighty, they tend to be more conscientious in the way they work, so perhaps attending to your studies is something that has improved, as it were, as a result of the introduction of the female element, you know. When I came, in the 1960s, I think there was a bit of a tendency for students to feel they didn't have to do much work because the exam at the end of November was so far away; and then, as November got closer there was a sort of sense that there wasn't much point in doing too much work because it was too late already. (laughter) So the work ethos I think was probably not as good then as it is now – which doesn't mean that there weren't exceptions, it doesn't mean that we didn't have high flyers, you know; we had plenty of high flyers. We had all these people who acquired positions elsewhere, like Crawford, Professor of International [Law] in Cambridge; like Cornish, Professor of Law in Cambridge; Ivan Shearer[?], Professor of International Law in Sydney; Graham[?] Parker, Professor of Legal History in Canada somewhere; so I think the Law School of the '60s produced plenty of really, really good people. But as far as the general attitude to work is concerned, I think probably things have improved, yes, and I put that down to females.

Now, you were mentioning the change in the University's corporate life: what were you particularly thinking of there, Horst?

Well, I think the University when I came was very much the professors, you know, they were the people who carried the University. Although I didn't ever meet Vice-Chancellor Rowe, he ran, he had ideas of making the University more vibrant and more productive and so on, he ran into the opposition of the professors, as you may know. I don't know whether you've seen that book, *Whom the gown fits*, that he wrote? He blames the professors for being the sort of element that can't be moved, much too interested in their own comfort, all of them, and promotion of the – that's the sort of tenor that he struck. So I think the professors were terribly important during the '60s, that's true. And then came the great democratic revolution of the early '70s when the general staff became more involved, but during all that period I think that it was relatively easy to have access to the Vice-Chancellor. You wrote him a note and very soon you'd have an appointment with him and you'd be seeing him and talk about the University. The Vice-Chancellor was just one, the *primus inter pares*, he was the most important but his pay was not so very different from that of other professors, and it was a collegiality was really the sort of essence of the University.

My feeling is that all that's very different as a result of the commercialisation of the University, treating it more or less as if it were a commercial corporation. I think we have a great many administrative layers between the staff members and the head of the University now, and you can't penetrate. That's my impression, you can't penetrate to the upper ranks terribly easily any more, so there's much less collegiality around the place. I think there's been a great shift of – – –. When I was in the University as a member of staff, we ultimately governed the University. It was in the education department, where the senior people were, that the big academic decisions were being made. True, the University Council made financial decisions, but what was academically important I think was decided by the members of staff. I think all that has changed now. I think the members of staff are being told what to do by the administrators. There are a lot of administrative demands which are made upon the staff and they have to fill out forms all the time, they have to undergo checks all the time of the work they do and so on. So I think maybe that has increased efficiency in some respects, but it's not as pleasant a place to work in any more as it used to be, I think. That's my assessment, but it's not an assessment of someone who is himself a full-time member of staff so maybe I'm not seeing the situation correctly.

In the Law School itself, Horst, you described the change from really quite a minute school in one sense to one that became very, very large in the early '70s indeed.

Yes.

Has there been a change in the atmosphere of the school itself, do you think, as well as the corporate university?

Well, these institutions always have ups and downs, you know, and the Norville Morris experience was the experience of growing and also being relatively happy institutions in terms of its general spirit, produced by the influence of this one fellow, I think. He had a lot to do with that. And yes, there was a lot of personal contact between members of staff and I think that may have disappeared. But then, of course, being old now I just don't know what the youngsters feel. They still do lots of things between themselves. They go for walks and raise money, they run in the fun run to the Bay, some will run and others make music alongside, following. And so I think there probably is a lot of contact there that I'm not necessarily a part of. So I wouldn't like to say that the atmosphere has changed. Old people always tend to think that everything's got worse, (laughter) and I've steadfastly refused to accept that point of view. When I was teaching the students I thought that some of the students, the youngsters, were phenomenally good, you know? Some of the essay work they did for me was just marvelous stuff. Probably the standard – I would think sometimes, the best, standard of the best people I think is probably a bit better than the standard of the best in the '60s. In terms of the formal perfection of the work – footnoting and so on – I think that may be the introduction of the female element which has something to do with that, because they do tend to be very, very conscientious in the work they do.

Were there any students that you felt were really outstanding and that you took a personal interest in yourself?

At what time? Just recently?

Well, no; looking back over the years, so the '60s, '70s, '80s, were there any in that group, for instance, that you could – – –.

Well, there were some – for example, I was supervisor of Michael Trebilcock as a tutor in the Law School and he did a master's degree under my guidance and he's become a very big shot in Canada, he's one of the best Canadian academics now, expert in law and economics. I noticed the other day that he was on the international faculty of New York University Law School. They bring people in, distinguished people from all over the world, occasionally. So

yes, I think there are. People like James Crawford, I had a good deal to do with James Crawford, he's good enough to remind his audience in Adelaide when he comes and gives a lecture here that Horst Lucke is one of his influences. So you naturally take a great interest in – – –. (laughter)

But no, I think the sort of relations with people who were in the Law School a long time ago in the '60s that I have are really very, very good ones. The class of '62, I think it was, invited me to be the after-dinner speaker the other day when they had a reunion in the Staff Club at the University of Adelaide, and I decided not to say anything very serious, I just tried to recall funny occurrences of the early days. It was a very nice atmosphere. There was Justice White, a woman from the Supreme Court of Queensland, who was a member of that class; there was another one of the Supreme Court judges of the Northern Territory was there; people like David Bright, who has just retired, he was one of the judges of the District Court in South Australia – Charlie Bright's son, by the way.

Yes.

So I was able to recall that when I was in London in England, 1968, he was working for Slaughter and May, which is a big solicitors' firm in England, and he decided to take me to the House of Lords, you see. So this is my one, unique opportunity to actually attend a session of the House of Lords. And he piped up when I was relating these things at the after-dinner speech, he piped up and said, 'Oh, yes, and he intervened.' He accused me of having interrupted the House of Lords (laughs) by saying that they're making mistakes in dealing with this contract case, (interference with microphone obscures speech) which was entirely wrong. Just one of these things. But I'm just mentioning it in order to indicate that the –

Relationships.

– relationships are very much enduring relationships. There were so many in that class that I was able to – – –. I was able to recall certain occurrences, most of them humorous, of the time. There were also some occurrences which I wouldn't have related (laughs) for anything at all because they're embarrassing. Things like that.

I look back upon my time in the University of Adelaide by and large with a good deal of pleasure. Inevitably, there are some aspects which one doesn't remember quite so fondly. But no, it's been a good life, a good association.

And, Horst, is there anything else that you'd like to add that my questioning may not have got to that you feel could reflect on the University itself?

I think when I went to Germany in 1990 I said goodbye to the person who was then the Vice-Chancellor, Professor Marjoribanks – I didn't really know him well, but I thought it would be sensible to indicate to him where I was going. My association with the University had been slightly loose because I'd left in '84 and this was 1990. But I did tell him that I would be happy, if I could be of any use at all I'd be very happy to do so in this academic environment, and that I wanted him to know that I regarded myself essentially as a University of Adelaide man, you see. And I think that sort of sums it up. I think I'm a University of Adelaide man. I grew up here academically, from the position of tutor to a position of professor, and then emeritus professor, and I'm very happy about that situation. I've never really regretted that. It means that my somewhat forced removal from Germany by my wife (laughs) when she told me, in 1958, 'I'm now going to Australia and I'd be very pleased if you come too', (laughter) my forced removal is something that perhaps I wasn't always very pleased with; but my association with the University of Adelaide has made that, even that, a very positive occurrence.

Thank you very much, Horst.

You're welcome.

END OF INTERVIEW.