The Hon Justice A Philippides  
Court of Appeal

Chief Justice Susan Kiefel AC, your honours, distinguished guests, ladies and gentleman.

It is very fitting that this international conference of the Hellenic Australian Lawyers Association, on the theme “Contemporary Legal Issues and the Influence of Hellenism” is being held here on this beautiful island of Rhodes, which played a prominent role in the Hellenic world. The Association has deep cultural links to Greece and a particular connection to Rhodes, through the Association’s President, Mal Varitimos QC. His and his wife’s family migrated from Rhodes to start a new life to Australia. Those cultural connections were reflected in the tremendous welcome we received last night from the President of Greece, the Governor of the South Aegean Region, the Mayor of Rhodes and the many members of the Rhodian legal community.

The theme of the conference looks to a discussion, that began in Greece, thousands of years ago about the central issues faced by a civil society – how society is best governed, by what concepts and for what purpose – the ancient Greeks have influenced debates on those issues, in particular the ancient Athenians, who invented a novel form of governance and citizenship, centred on a model of direct democracy.

Rhodes is a particularly appropriate location for discussion on such matters, for as Professor Paul Cartledge (one of the foremost classists of our age) has written, after democracy was “snuffed out first in its birthplace, then throughout the Greek world”, it endured, here in Rhodes, “as a rare and isolated lingering exception”.

The conference will examine values that went to the heart of the Athenian democratic model; including isegoria (equal access to political speech) and parrhesia (the freedom of citizens to speak out). These conceptions have influenced political and legal thinking through the ages and are very much matters of contemporary relevance, which will be discussed by Professor Cartledge and the renowned Desmond Browne QC.
It is, of course, inevitable that the topic of philosophy would be a subject of discussion at this conference. As Michel Villey observed in *Leçons d’histoire de la philosophie du droit*, “the key to the history of law is the history of philosophy”, for “philosophy precedes jurists on the road to change”. The ancient Greek contribution to jurisprudence remains one of the greatest influences on our contemporary thinking. It is indeed central to any debate as to what constitutes law, justice and ethical conduct.

The conference considers the influence of the great Aristotle on our conceptualization of law as providing for just outcomes. We owe much to his insight that injustice that may result from an overly strict adherence to the letter of the law, and from the application of laws without accommodation for the individual case. He greatly influenced the development of the notion of equity in the common law.

A session of the conference is devoted to the criminal law system. A criminal law system involving the determination of disputes by a jury presented with evidence and argument was one to which the ancient Athenians devoted enormous thought. The Athenians saw that disputes were best resolved by means of a just and rational adjudication, a matter addressed in the famous trilogy, the *Oresteia*.

The use of the theatre as a means by which to explore societal issues was an important aspect of ancient Greek life. The use of theatre to explore, in particular, the concepts of justice and trial by jury will be discussed by the extraordinary Professor Edith Hall, the foremost authority on ancient Greek drama. Achieving fairness and justice through the trial process is examined by Professor Adriaan Lanni, whose outstanding body of work and unique analysis of primary sources reflects her background as both an internationally celebrated professor of law and classicist.

Ever relevant to lawyers, from ancient times to the present, is the articulation of argument. Persuasion through rhetoric and logic influenced the common law and is the subject of the conference’s keynote address. The conference looks at other forms of communication, relevant to the law, and also the role of innovation. The ancient Greeks grappled with the transition between the
worlds of orality and written language, much as we have had to grapple with the transition from an era of print to a digital one and they were as keenly aware of the value of innovation, as we are.

Another topic is the Hellenic influence on the development of commercial and maritime law. Again, Rhodes is an apt setting for that discussion. When Athens declined as a great maritime and commercial power, Rhodes came to prominence. It maintained its independence in a world that was quickly being carved up by the Macedonian generals, and survived attempts to besiege it.

Rhodes cultivated important trade links, and developed laws to regulate disputes among merchants of different cultural backgrounds, who travelled the Mediterranean to trade at their safe harbours. Their maritime disputes were governed by a code of laws – the famed Rhodian Maritime Code – which gives us, to this very day, principles that govern maritime law and disputes. The Rhodians cemented their maritime power by dedicating themselves “to the principle that no single power should dominate the seas where they navigated”.iii

Rhodes played a role also in the various leagues and confederations which governed allegiances between city states. Those relationships and their modern day analogues are also to be examined. The influence of the ancient Greeks on the concept of international law is a further topic that will be discussed.

The enduring influence of the Hellenic world on contemporary legal issues is a theme worthy of the outstanding speakers from whom we shall hear.

And now it is my great pleasure to introduce the keynote speaker, the Hon Susan Kiefel, Chief Justice of the High Court of Australia.

At the time of her Honour’s appointment as Chief Justice, her Honour had served on the High Court for nearly a decade. Before serving on the High Court her Honour had served as a judge of the Federal Court of Australia, the Supreme Court of Norfolk Island and the Supreme Court of
Queensland. Her Honour also served as a part-time Commissioner at the Australian Law Reform Commission.

Her Honour’s extraordinary contribution to the law was recognised by her Honour’s appointment in 2011, as a Companion in the General Division, of the Order of Australia. In 2013, her Honour was elected as a titular member of the International Academy of Comparative Law, reflecting the high esteem in which her Honour is held internationally. Comparative Law was one of the subjects her Honour studied when she read for the Master of Law at the University of Cambridge, where she was awarded the C J Hamson Prize in Comparative Law, as well as the Jennings Prize. In 2014, her Honour was elected an Honorary Bencher of the Honourable Society of Gray’s Inn, a signal honour.

Ladies and gentlemen, please join me in welcoming the Honourable Chief Justice, Susan Kiefel.
Endnotes

i Paul Cartledge, Ancient Greek Political Thought in Practice (Cambridge University Press, 2009) at 5.
