

Justin Crosby Oration

26 August 2016

Judge John Robertson

[1] I am honoured to deliver the third Justin Crosby Oration. When I was invited, I spent some time thinking about an appropriate theme. The first criteria was it would have to be on a topic that Justin enjoyed, and it would have to be short. He loved that quote from Mark Twain:

“I didn’t have time to write you a short letter, so I wrote a long one instead”.

[2] Secondly, I thought I would seek the approval of his family; not as easy as it sounds when the call to Cate’s landline is met with a message from Fergus I think “you can leave a message if you like but we don’t listen to our messages” – Justin would thoroughly approve.

[3] I spoke with Emma and as agent for the Crosby family including the next generation, she was happy.

[4] In the spirit of the theme, I intend to take some liberties with the truth, or to put it more subtly to use artistic licence. I don’t think Justin would mind.

[5] Justin Crosby loved language. He loved words. He loved Irish literature, especially the writings of James Joyce. He also dearly loved the poetry of Seamus Heaney. So my theme generally hums around the Irish literary canon of the 20th century.

[6] Justin also loved Latin, and although I was tempted; I thought an exposition on that topic might not fly. Justin, I surmise, was sad to see the decline of Latin as the language of equity and the law generally. He would have stood and cheered to hear

Lord Diplock expounding on the maxim “reddendo singular singularis” – he probably would have been the only one; a position much enjoyed by Justin Crosby.

[7] He was disappointed that I would not employ a few more Latin maxims when sentencing his clients. My defence that the punters would not understand was met with a response “I will translate for them. That’s something I have to do now in any event”.

[8] He was even more disappointed when I confessed that I could only remember one Latin maxim: “de minimis non curat lex”; which roughly means: “the law does not concern itself with triviality”. I only recall that one because when I was studying equity, the great Professor Lee – he of the theatrical and grand gesture – taught the maxim to the dull-eyed students by reciting a piece of doggerel:

“There was a young man named Rex, who had very small organs of sex. When charged with exposure, he said with composure: de minimis non curat lex.”

[9] Justin and I knew each other for some years prior to my arrival in Maroochy in 2001 as the second resident Judge on the Sunshine Coast.

[10] He had been the most worthy Sunshine Coast town agent for my firm of Robertson O’Gorman from which I had resigned when appointed as a District Court Judge in Ipswich, ominously in the same era as senator-elect Hanson was the member for Oxley. Justin was not too fussed about judicial officers. He saw us in his good humoured way as a necessary evil, or as Beckett said in “Waiting for Godot”:

“We’re all born mad. Some remain so.”

[11] Justin regarded judges as falling into that latter category.

- [12] I think he tempered his general Irish inspired suspicion of figures of authority; particularly in my case where my ancestry was of a most suspicious kind, Scottish Presbyterian, by his knowledge that I had maintained a harmonious business relationship and friendship with another well-known protestant, Terence Patrick Dominic O’Gorman (of the Sligo O’Gorman clan), for nearly two decades. Justin became my friend and my wife’s friend, and our family solicitor. He and Cait came to my concerts and for a while we had the same yoga teacher. Just prior to his death he had obtained probate of June’s much loved father’s will.
- [13] We realised despite my ancestry that we shared a love of all (or at least most) things Irish. When I told him in all truth that I felt at home in Ireland I swear that the note in his eyes changed from a minor to a major key. This occurred at the end of the 25 metre pool at Cotton Tree, where we would occasionally swim together in the lunch hour, and more regularly stop for a breather and a gossip.
- [14] On many occasions we encouraged each other, despite our mutual innate laziness, to keep at it, or as Beckett put it (albeit in French):
- “I can’t go on. I’ll go on”.
- [15] It was on one of those occasions that he told me about his and Cate’s love of James Joyce. He told me about their attendance each year at a summer school seminar conducted by the redoubtable Dan O’Neill formerly of the English Department at the University of Queensland.
- [16] Dan conducted seminars for six years dissecting *Ulysses* which Joyce wrote in 1922. Sadly Justin died before the seminars were completed, but Cate went on.
- [17] In preparation for tonight I contacted Dan O’Neill who helpfully directed me to a book that he implied even a simpleton would find helpful in understanding *Ulysses*.

Well Dan, I did as well with this assignment as I did in an assignment I wrote for him on *Waiting for Godot* in 1966, when Dan was a senior lecturer in English at the University of Queensland, and I was a first year student studying Arts/ Law. Now of course I know now that if I had handed Dan a series of blank pages instead of trying to write about *Waiting for Godot* I would have been awarded a high distinction instead of the pass that he reluctantly gave to me.

[18] I confided to Justin on one of our swimming ventures that I had tried to read *Ulysses* a few times but that I could not get past the first chapter.

[19] Ireland had four Noble laureates in literature in the 20th Century, and Joyce was not one of them. It may well have been for political reasons; it may have been because of the vicissitudes of Joyce's life. Like his father he was a drinker and not good with money. It may have been that by the time his genius was recognised, Ireland already had two laureates in George Bernard Shaw in 1925 and William Butler Yeats in 1923.

[20] Joyce and Yeats were contemporaries but not associates, and Samuel Beckett, the third Nobel Prize winner in 1969, lived a long life, and by 1969 was famous throughout the world. The other noble laureate was Seamus Heaney who died in 2013, the same year that Justin died.

[21] Justin would want me to leave Shaw out, because of his Englishness, and he would have regarded my abiding resentment that Julie Andrews was not cast as Eliza Doolittle in Jack Warner's 1964 film version of *My Fair Lady* with Rex Harrison as Henry Higgins as a little superficial.

[22] So I will concentrate on the other three and Joyce in particular. My feeling is that Justin was drawn to Joyce because his writing is entirely paradoxical; it is dense and

demanding giving birth to one thought, and then almost immediately to another at the other end of the spectrum of meaning. Critics have written thousands of words about Joyce's relationship with Catholicism, the faith of his birth. His characters, some said to represent him, say things that suggest an abandonment of faith – it is said that at his mother's death bed he refused to kneel as the Jesuit priest administered the last rites. Other critics say the complete opposite. This is especially so of *Ulysses*.

[23] Justin patiently tried to explain to me the structure of the book. He told me that it is a parody of the *Odyssey* of Homer. During a number of these explanations, my brain simmered so much that I had to unfog my swimming goggles. He explained the novel was set in a single day. He told me that the day, the 16th of June 1904, was the day on which he (Joyce not Justin!) first met his wife, and is now celebrated each year as Bloomsday in Dublin, so named after the main character of *Ulysses* Samuel Leopold Bloom who himself is a parody of Odysseus the main character of the *Odyssey*.

[24] He explained to me that Joyce divided the novel into 18 chapters each covering roughly one hour of the day beginning around 8.am and ending sometime after 2.am the following morning. Each chapter he explained employs its own literary style and parodies a specific episode in Homer's *Odyssey*. Furthermore each chapter is associated with a specific colour, art or science and bodily organ. Joyce employed stream of consciousness, parody, jokes, and virtually every other established literary technique to present his characters. I hope you are all feeling some sympathy for my lack of understanding.

[25] Justin tried to tempt me with some juicy quotes:

“Mr Leopold Bloom ate with relish the inner organs of beasts and fowl. He liked thick giblet soup, nutty gizzards, a stuffed roast heart, liver slices fried with crustcrumbs, fried hencods' roes. Most of all he liked grilled mutton kidneys which gave to his palate a fine tang of faintly scented urine.”

- [26] Apart from the obvious attempt to appeal to my black Scottish heart by raising the delectable spectre of the haggis; his efforts to link me with one of the great pioneers of literary modernism by raving on about the alliteration in “crustcrumbs”; when I am thinking “breadcrumbs” would do, did not succeed.
- [27] In my research directed by Dan O’Neill I found some support for my lack of understanding. Even Joyce himself complained that he “may have over systematized *Ulysses*”. At one point in his life after writing of *Ulysses*, he and his wife consulted the revered Carl Jung in relation to his daughter who according to her parents, suffered from schizophrenia. Jung is said to have remarked at the time that after he read *Ulysses* he concluded that her father had schizophrenia.
- [28] I have tried again and I tried to read *Finnegans Wake* but in the end I had to concede “Some of us is cultured. Some of us is not”. That’s not Beckett by the way, that’s me.
- [29] As I have hinted, my take is that Justin loved Joyce because his writing challenges the reader at every level, and when I looked I wasn’t surprised to see that Joyce is now regarded as a pioneer of literary modernism. He influenced Beckett and he has had a major influence on writers such as Salman Rushdie and John Updike.
- [30] There are some wonderful lines in *Ulysses*. It is an incredibly detailed book. Joyce researched for the book in almost obsessive detail. He said after the book became

famous that if Dublin was burnt to the ground it could be reconstructed in exactly the same form brick upon brick from the detail in *Ulysses*. Like many of the famous writers and literary figures of Ireland in the 20th Century Joyce lived most of his life in Europe. He died in 1941 and he never returned to Dublin after a brief visit in mid-1912.

[31] He had a complex relationship with many of the literary figures of the time. He was a contrarian – a characteristic I suspect Justin admired.

[32] If it wasn't for Ezra Pound and the financial support of the famous English feminist and publisher Harriet Shaw Weaver, it's probable that the books for which Joyce is now most famous would never have been published. His life, like his writing, was a paradox.

[33] As I have said there is some wonderful words and phrases in *Ulysses*:

“Shakespeare is the happy hunting ground of all minds that have lost their balance”.

“When one reads these pages of one long gone one feels that one is at one with one who once....” (Leopold Bloom) and:

“Love loves to love love”.

[34] I think this small phrase captures the essence of Justin Crosby.

[35] Of the other Laureates to my certain knowledge Justin loved the poetry of Seamus Heaney. This I could relate to, and especially some of Heaney's powerful verse inspired by the Troubles.

[36] I am not sure about Justin's relationship with Yeats by I suspect that he too would have been greatly admired by Justin. Yeats was greatly affected by the violence of the 20th Century and how it affected his homeland.

[37] Joyce was born in Dublin in 1882. Yeats was born in 1865 in county Dublin, but Yeats was a protestant and Joyce a Catholic, or at least they were born into that fateful religious divide. In my imaging, I see Justin as being Joyce to my Yeats, but I don't think that will catch on.

[38] The historical changes in Ireland in the late 19th Century, which saw the rise of Parnell and the Irish independence movement and a shift in power from the minority Protestants, affected Yeats greatly. By the time of the Easter uprising in 1916, when the independence movement was brutally crushed by the English, Yeats had reassessed his attitude. Who can forget the last stanza of his poem *Easter 1916*:

“We know their dream; enough;
To know they dreamed and are dead;
And what if excess of love
Bewildered them till they died?
I write it out in a verse—
MacDonagh and MacBride
And Connolly and Pearse
Now and in time to be;
Wherever green is worn;
Are changed; changed utterly:
A terrible beauty is born.”

[39] Beckett was born much later in 1906, and although he admired Joyce and recognized his genius and was influenced by it, in some way he fell under the

shadow of Joyce and was maybe even jealous of him. Justin would have loved Beckett's response – to focus on the black and absurd aspects of human life, and ultimately to write the play for which he is most famous: *Waiting for Godot* – a play (unlike *Ulysses* where life is described in all its gruesome detail), in which nothing happens, and yet keeps audiences spell bound. He would have loved some of the phrases from the play:

“Words are the clothes thoughts wear”

[40] It is probably however in the poetry of Seamus Heaney that (as far as the Irish Literary Canon of the 20th century is concerned) Justin and I had a real meeting of the minds.

[41] He was born in 1939 and died in 2013. His poetry is of sublime beauty capturing an Irishness that resonated with my friend.

[42] Heaney was born in Ulster and became the British Poet Laureate. He was the poet who probably most vividly captured the madness, the passion and the paradox of the Troubles; when terrorism in its modern form was born.

[43] Like me, Justin found comfort and meaning in Heaney's beautiful words. One of his most famous poems, *Two Lorries*, is set in Magherafelt, his home town. With simplicity and sublimeness, Heaney paints a picture of two lorries – the first the lorry driven in the 1940s by one Agnew to deliver coal to his home while flirting with his mother. The second lorry is in the time of the Troubles and it is used to blow up the bus station in Magherafelt. By then his mother was dead, and he imagined his mother's response to such a horror. I will read it for you:

“It's raining on black coal and warm wet ashes.
There are tyre-marks in the yard, Agnew's old lorry
Has all its cribs down and Agnew the coalman
With his Belfast accent's sweet-talking my mother.

Would she ever go to a film in Magherafelt?
But it's raining and he still has half the load

To deliver farther on. This time the lode
Our coal came from was silk-black, so the ashes
Will be the silkiest white. The Magherafelt
(Via Toomebridge) bus goes by. The half-stripped lorry
With its emptied, folded coal-bags moves my mother:
The tasty ways of a leather-aproned coalman!

And films no less! The conceit of a coalman...
She goes back in and gets out the black lead
And emery paper, this nineteen-forties mother,
All business round her stove, half-wiping ashes
With a backhand from her cheek as the bolted lorry
Gets revved and turned and heads for Magherafelt

And the last delivery. Oh, Magherafelt!
Oh, dream of red plush and a city coalman
As time fastforwards and a different lorry
Groans into shot, up Broad Street, with a payload
That will blow the bus station to dust and ashes...
After that happened, I'd a vision of my mother,

A revenant on the bench where I would meet her
In that cold-floored waiting room in Magherafelt,
Her shopping bags full up with shovelled ashes.
Death walked out past her like a dust-faced coalman
Refolding body-bags, plying his load
Empty upon empty, in a flurry

Of motes and engine-revs, but which lorry
Was it now? Young Agnew's or that other,
Heavier, deadlier one, set to explode
In a time beyond her time in Magherafelt...
So tally bags and sweet-talk darkness, coalman,
Listen to the rain spit in new ashes

As you heft a load of dust that was Magherafelt,
Then reappear from your lorry as my mother's
Dreamboat coalman filmed in silk-white ashes.”

- [44] To end I want to recite a small poem called *Post Script* the final poem in Heaney's sublime collection called *The Spirit Level*. The Flaggy Shore is in county Clare on the west coast of Ireland a little north of Galway and on the same latitude as Dublin. I read this final poem as a tribute to our dear friend who, in the words of William Butler Yeats would have said:

“I have believed the best of every man. And find that to believe is enough to make a bad man show him at his best, or even a good man to swing his lantern higher”.

Post Script

“And some time make the time to drive out west
 Into County Clare, along the Flaggy Shore,
 In September or October, when the wind
 And the light are working off each other
 So that the ocean on one side is wild
 With foam and glitter, and inland among stones
 The surface of a slate-grey lake is lit
 By the earthed lightning of a flock of swans,
 Their feathers roughed and ruffling, white on white,
 Their fully grown headstrong-looking heads
 Tucked or cresting or busy underwater.
 Useless to think you’ll park and capture it
 More thoroughly. You are neither here nor there,
 A hurry through which known and strange things pass
 As big soft buffetings come at the car sideways
 And catch the heart off guard and blow it open.”