

## Elliott Johnston, Social Values and Justice

*Michael Kirby\**

### **The Formation of Elliott Johnston**

Elliott Johnston was a most unusual Australian lawyer. He was a participant in the establishment of the Law School of Flinders University. Following his death, it is fitting that the university should honour him by the establishment of a memorial lecture. In this way, his life and values can be recounted and remembered. Coming generations of lawyers can be encouraged to reflect upon the causes of justice and equality that he so powerfully espoused.

He was born in North Adelaide in 1918, the son of William and Elsie Johnston. His forebears were adherents to the Presbyterian tradition of Christianity. His father was a cashier who worked for Harris Scarfe, tailors. The family circumstances were modest. But his father William remained in employment throughout the Great Depression. Elliott was born blind in the left eye, a disability that only made him more determined to succeed in studies as in sport. Years later, Kevin Borick QC, in his essay in Justice Tom Gray's book, *Essays in Advocacy*,<sup>1</sup> remembered this fact when reflected on the image that justice is sometimes portrayed with a blindfold. When acting as Elliott Johnston's junior, Kevin Borick noticed that a juror in a criminal trial was sleeping throughout the proceedings. He assumed that Elliott must have seen this, for it was obvious. But he had not taken into account his leader's monocular vision. He therefore failed to have the point recorded for appeal purposes. Elliott was only blind in one eye physically. In every other way, he saw all the complexities of legal and other problems in their full detail.

He was educated at the Kingston Public School in Adelaide, for that was the suburb in which he grew up. He later attended Unley High School, where he won an Elder bursary to Prince Alfred College. This was then a responsibility of the Methodist Union. Although Elliott was not religious, he certainly showed a Wesleyan devotion to social justice and working for a better world.

Having completed his schooling in 1935, Elliott won a further bursary to allow him to attend the University of Adelaide. There he made many friends,

---

\* This lecture was delivered in 2012. It was published in (2013) 15 *Flinders Law Journal* 171.

1 K Borick, 'The Lighter Side' in T Gray, M Hinton and D Karuso (eds), *Essays in Advocacy* (Barr Smith Press, 2011) Ch 48, 553.

This is a preview. Not all pages are shown.