



*Community and Immunity*

**Law Society Gala Dinner and  
Attorney General's Community Service Awards**

**The Honourable Justice Peter Quinlan  
Chief Justice of Western Australia**

30 September 2022

## *Community and Immunity*

### **Law Society Gala Dinner and Attorney General's Community Service Awards**

Mr Attorney, the Hon John Quigley MLA, Ms Lee, President of the Law Society, distinguished guests, colleagues one and all. Thank you to the Law Society of Western Australia for the opportunity to speak at tonight's Gala Dinner and Awards Celebration.

May I commence by acknowledging the Whadjuk people of the Noongar nation, the traditional custodians of the land on which we meet, and pay my respects to their elders past and present.

Tonight's dinner is an occasion for us to celebrate the contribution of many members of the legal profession, both to the profession itself and to the wider community. In addition to the Law Society's Lawyer of the Year and Emerging Lawyer of the Year awards, the Attorney General will present the annual Attorney General's Community Service Law Awards.

As I read the summary of the work of the finalists for both sets of awards, I was struck that the word that came up again and again was 'community'; the word, of course, appears in the very title of the Attorney General's awards.

Community is a word we often hear in our public discourse, we talk of 'community standards', 'community safety', and the 'protection of the community'. Many of the finalists tonight, as we will hear, help those in 'our community', 'foster community development' and provide 'service to the community'.

We celebrate the contribution of all of these finalists tonight. And rightly so. They are all fine examples of what it means to be a member of the profession to which we all belong or form a part.

As we do so, it is, perhaps, worthwhile that we reflect a little on that word, 'community', and what it really means in today's world. No doubt most of us would like to think that when we say 'community' we mean 'everyone' – the whole community. If that is how we do answer that question, however, do we really mean it?

Community is a word of Latin origin. It comes from the word *communitas*, which itself is a combination of two words: *com* (or *cum*) – meaning 'with' and *munis* – meaning 'duty' or 'service'. Community literally means 'with duty'. It is the group of persons to whom we have a duty of service. The community then is not just a group of people to which we might, out of the goodness of our hearts, render some service as some added extra. A duty of service defines the community's very existence.

But perhaps even more illuminating, for present purposes, is the opposite of community.

At least etymologically, the opposite of community is not something like 'individual' or 'solitary'.

The opposite of 'community' is 'immunity'. We are so used to hearing the medical form of 'immunity' (or 'immunisation') – particularly since the pandemic began – that we forget its original meaning.

'Immunity' comes from the Latin word *immunitas* – a combination of *in*, meaning

'not', and *munis* – 'duty ' or 'service'. Immunity literally means exempt from service or obligation. The people with whom we are *not* in community – that is, those for whom we accept no duty or obligation.

This points up what we might call the 'shadow' of our sense of community. As the Italian biopolitical philosopher Roberto Esposito has explored in his work, community is always defined, and limited, by its opposite: immunity.

When we talk about our 'community' therefore, we are always leaving someone out. When we talk about 'community safety', for example, we are always talking about someone from whom we wish to be made safe. It is a short step to say that there is always someone from whom we wish to be 'immune'. A person from whom we wish to be free of duty or obligation.

As we all celebrate community service tonight, I want to suggest, this is our challenge.

When we think of the 'community', who are we leaving out?

That is the real test of our community service.

When I think of 'my community', who am I leaving out?

Who am I excluding from the reach of my duty and obligation?

From whom do I wish to be immune?

Because it is probably there that our service – our sense of duty – is needed the most. The people we do not see or would prefer not to see.

How do we bring those people into our community?

Remembering that the community is the group of persons to whom I owe that duty of service and obligation. Is it possible to imagine and build a community that excludes no-one?

Tonight's finalists cause us to ask these questions. In myriad ways they each expand our sense of community and bring the legal profession closer to that ideal: a community that excludes no-one.

Thank you for your attention.