

PROFESSOR HORST LÜCKE (1929–2024): A LIFE

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Horst Lücke was an outstanding legal scholar who brought to Australia a deep knowledge of comparative law from his native Germany (via a Fulbright Scholarship in the United States of America). He specialised in private law, particularly the law of contract, statutory interpretation and legal history. He was an outstanding Head of School at the University of Adelaide and finished his career as an Honorary Professor at the University of Queensland. He was a delightful and stimulating colleague who contributed to research seminars right up until his death, aged 95, on 26 September 2024. His long life bore witness to profound changes in society, his personal life and academia.

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Horst Klaus Lücke¹ was born in Germany on 12 June 1929 in the small town of Ronsdorf.² Ronsdorf was later amalgamated with other nearby towns into the larger town area of Wuppertal and so his small town became known as Wuppertal-Ronsdorf.

Horst was born into a loving and hard-working family. His father was a businessman, initially working in the steel industry and later in insurance. Life became increasingly hard for Horst and his family after the Nazis took control of Germany during the 1930s. When World War II broke out in September 1939, he was ten years old. In his early teens, Horst was forced to join the *Deutsches Jungvolk* ('German Youngsters'), a precursor to joining the Hitler Youth. In 1943, as Germany was gradually losing the war, Horst's small township was destroyed by Allied bombing with his and most of the houses being burnt to the ground.³ His father was away in the *Luftwaffe* in Holland, and so Horst and his mother had to go and live with his grandparents in central Germany in Lamsringe, not far from Hildesheim. Here, he attended a local school until they all shut with the German surrender in 1945.⁴ In 1944, Horst was sent to dig trenches near Arnhem as part of the German response to the Allied Operation Market Garden.⁵ In February 1945, now 16, he was pressured to join the Hitler Youth as the Allied Armies gradually closed in on Germany. Boys were instructed by *Schutzstaffel* ('SS') officers to stand in lines and told that anyone who did not want to join the SS was to take a step forward. None dared. Horst, however, remembered being grateful for German bureaucracy, as when he was taken inside to formally sign up, he said that he needed his parents' written permission and that they expected him to join the *Luftwaffe* like his father. The annoyed SS officers let him go and he was always rather proud that he was never a member of the SS. A high proportion of 16-year-old boys forced into the SS (including one of his friends) were killed as they were sent to fight against the seasoned Allied troops. Later, in April 1945, near the end of the war, Horst was called up to join pre-military training, but his life was saved by his mother claiming to have 'burned' his boots. She also hid his uniform, without which, of course, he could not go to join his unit.

¹ Horst Klaus Lücke, AO (Hon), LLB (Adel), MCJ (NYU), Dr Jur (Cologne), Honorary Professor (UQ), Professor Emeritus (Adel); 12 June 1929 – 26 September 2024.

² Some information about Horst's life is found in the transcript of Interview with Horst Lücke (Rob Linn, The University of Adelaide, 17 October 2006) <<http://hdl.handle.net/2440/99176>> ('Transcribed Interview with Horst Lücke'). The present article references the interview but is derived mainly from our conversations with Horst over time, along with assistance from his two daughters, Christine and Elizabeth Lücke, and drafts that Horst shared with us of his partially completed Memoirs (as yet unpublished).

³ Transcribed Interview with Horst Lücke (n 2) 1.

⁴ Ibid 2.

⁵ Operation 'Market Garden' was an Allied offensive into the retreating German forces, which led to the loss of many lives in September 1944. See generally Raymond Bluhm, 'Operation Market Garden', *Britannica* (Online Encyclopedia Entry, 14 November 2024) <<https://www.britannica.com/event/Operation-Market-Garden>>.

With the peace in Europe on 8 May 1945, Horst's father was released from a British Prisoner of War camp and the family returned to Wuppertal. Sadly, his father took to gambling in an irresponsible way and this caused great hardship to the family. After graduation from school at the end of 1948, Horst had a six months gap before he attended the Law Faculty at Cologne University, in which time he volunteered his services to an International Student Work Camp, an organization set up by the Quakers to help rebuild Europe.⁶ Here, Horst had his first exposure to the wider international world and found it very liberating as there were youths there from numerous countries, including New Zealand, the United States ('US'), England, Indonesia, Holland. He realised the extent of Nazi indoctrination when he asked an American sergeant why the Americans had not joined Germany to fight the Communist Russians, and received the laconic reply that the sergeant did not want to fight anyone and only wanted to go home and live in peace. He realised that he had been taught that war was the natural state of things, not peace. For most of this period with the International Work Camp Horst was kept busy doing basic labouring to try to rebuild infrastructure and buildings, but he enjoyed the final task— driving a tractor across parts of Germany back to Wuppertal towing a trailer load of potatoes (loaded in boxes originally meant for landmines) some 400 kilometres to his starving family and friends.⁷

On completion of the International Student Work camp, Horst joined the Cologne University Law School which, he said, 'was a very, very good one'.⁸ Horst was born with a strong physical body, a powerful intellect and a splendidly warm and generous character. His intellect saw him achieve high marks at school and it was on display thereafter throughout his life. Horst had a Lutheran upbringing and had been baptized when young into the Christian church and confirmed when he was twenty years old. Towards the end of his law studies, he became interested in joining the Lutheran priesthood, but finally decided against it.⁹ Horst's combined interests of law and religion, coupled with his natural intellect, led to two things; first he became very well read in the Christian gospels and writings and, secondly, he developed strong analytical skills that, somewhat ironically, led him to become an agnostic.

Horst completed his law studies at Cologne University in 1953, aged 24, and became as 'Referendar' (a trainee in law). During this time, he was trained in the practical aspects of civil, criminal and administrative law for three and a half years. However, after about one and a half years, Horst won a US Fulbright Scholarship to the New York University Law School. Here, he worked hard at his studies,¹⁰ and, as a result, came 'top of his class' for the Masters of Civil Justice ('MCJ'). The Law School offered Horst a Teaching Fellow's position on the staff

⁶ Transcribed Interview with Horst Lücke (n 2) 2–3.

⁷ Ibid 3–4.

⁸ Ibid 2.

⁹ Ibid 4.

¹⁰ Ibid 5.

for the following year, during which he also set himself up to study some of the undergraduate law courses. Once again, Horst's natural high intelligence and hard work won him praises and the Dean suggested that he go on to take further post-graduate studies at Indianapolis as a visiting professor, which he declined, preferring instead to return to Germany and finish his Refendar studies in Wuppertal in July 1957. Horst always valued his time in New York as widening his intellectual interests and allowing him to make an interesting and diverse group of friends.¹¹

During this time in the US, Horst met Ruth Dart, from Brisbane, Australia who was working in the Brooklyn Public Library in New York. Ruth had studied music — the piano in particular — and also librarianship in Sydney, and she had worked as a librarian for two years in England.¹² Horst and Ruth became engaged, a decision that was met with some opposition from Ruth's mentor at the time, Professor Lindeman. Horst returned to Germany to continue his training program, and the plan was that Ruth would finish her PhD in New York over two years and then join him. However, when they were both about 30 they decided that this was too long to wait, and so Ruth went to Germany. The couple were married in Wuppertal on 4 October 1957. Horst then completed his doctoral degree at Cologne University on 4 June 1959 and his final practice examinations before being admitted to practice in Germany.

Over the following year, Ruth became increasingly unhappy with their situation in Germany and, in 1958, said to Horst, in effect: 'I am going to return to Australia and I'd be very pleased if you would come too'.¹³ This posed a dilemma for Horst, as he was close to his mother, who, of course, wanted him to stay in Germany. However, Horst chose to follow his wife and so he wrote to contacts in Australia seeking a position, including to Professor Geoffrey Sawer (at the Australian National University, Canberra), who circulated his letter to colleagues at other universities. The Law School at the University of Adelaide responded with an offer of a tutorship, which Horst accepted. So, Ruth travelled out to Adelaide and Horst followed, arriving on 29 July 1959.¹⁴ He always recalled somewhat ruefully that, while Ruth travelled in some comfort back to Australia in her passenger liner, he had to join her in an uncomfortable crowded Italian emigrant ship where there was some, mostly good-natured, trading of insults between the Italian and German passengers.

Horst was eminently qualified in Civil Law, but to advance up the Australian academic ladder he needed Australian legal qualifications, and so while he tutored, he also studied for his Bachelor of Laws ('LLB') at the Adelaide Law School. He was given credit for much of his past studies in Germany and the US

¹¹ Ibid 5–6.

¹² Ibid 6.

¹³ Ibid 30.

¹⁴ Ibid 7.

but still needed to pass seven subjects in the Adelaide University LLB program. Horst gained his LLB degree in 1960. His studies, his amiability and his many wonderful qualities steadily saw to his advancement. After the appointment as a tutor in 1959, he progressed quickly to become a lecturer, and in 1965 a Reader (Associate Professor in modern usage). In 1967, at the age of 38, he was elevated to a personal professorial chair, being one of only four professors in the school — a meteoric rise.¹⁵ The main areas of his teaching and his publications were in contract, private international law and legal history.¹⁶

On arrival, and during his years at Adelaide, Horst found most of his colleagues there much to his liking, including Professor Norville Morris as Head of Department, and Professors Alex Castles, Dan O'Connell and Igor Kavass.¹⁷ Horst and Ruth got on particularly well with Professor O'Connell, a famous international lawyer who later moved to the Chichele Chair of International law at Oxford University.¹⁸ Dan's wife, Renata von Heist, was German, from an old and well-known German family, and she and Horst were able to talk of many things in common.

Horst particularly enjoyed the links between Adelaide and Oxford University. Professor Rupert Cross came to teach for a year in 1962; Professor David Williams, Fellow of Keble College Oxford visited in 1967; Professor Derek Davies came a number of times from Catherine College; and, in 1968, Horst spent a very happy time as a visitor at All Souls College, Oxford.¹⁹ As mentioned, Horst's close colleague in Adelaide, Professor Dan O'Connell, went on to become professor of International Law in Oxford in 1972. Horst had taken over teaching Contract from a former Adelaide student, Richard Blackburn, who had gone to Oxford and returned with a Bachelor of Civil Law ('BCL') and who later became a judge of the Northern Territory and other courts.²⁰ Overall, these were happy years for Horst.

¹⁵ Ibid 15.

¹⁶ Ibid 16.

¹⁷ Ibid 8.

¹⁸ IA Shearer, 'Daniel Patrick O'Connell (1924–1979)', *Australian Dictionary of Biography* (Web Page, 2006) <<https://adb.anu.edu.au/biography/oconnell-daniel-patrick-11280>>.

¹⁹ Horst's short article displays his sharp sense of humour as he described a 'sit-in' at the college: see Horst K Lücke, 'The Siege of All Souls' (2011) 51 *Supreme Court of Queensland Review of Books* 78, 78–80.

²⁰ Sir Richard Blackburn served as a Judge of the Supreme Court of the Northern Territory from 1966–71. Justice Blackburn graduated with a Bachelor of Arts from the University of Adelaide and Oxford University and a Bachelor of Civil Law degree from Oxford University. Justice Blackburn was a Rhodes Scholar in 1940 and attended Eldon Law School in 1949. He was called to the Bar at Inner Temple in 1949 and was admitted to practice as a solicitor in South Australia in 1951. Justice Blackburn also served in the Australian Imperial Forces from 1940–45 and rose to the rank of Captain. After his term on the Northern Territory Supreme Court bench, he was appointed as a Judge of the Supreme Court of the Australian Capital Territory. He was appointed Chief Judge in 1977 and became the first Chief Justice of the Australian Capital Territory in 1982. He also served as a Justice of the Federal Court of Australia from 1977–84. See 'The Honourable Sir Richard Arthur Blackburn OBE (Mil)', *Supreme Court of the Northern Territory* (Web Page) <<https://supremecourt.nt.gov.au/about/judges/former-judges/resident-judge/sir-richard-arthur-blackburn>>.

As he said: ‘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.’²¹

Horst recalled that one of the features at the Law School over his years there was the gradual increase in the number of female students. When he taught there as a tutor in 1960 there were no female students in the class, but by the time he left in 1984 female students made up more than half of the student cohort. One influence of this, he felt, was in improvement in the attitude to studies by all students, so that the work ethos steadily improved. Another feature of those years was the pleasure in having so many talented students, which included such people as James Crawford, later Professor of International Law at Cambridge and a member of the International Court of Justice; Ivan Shearer, later Professor of International Law in Sydney, in whose obituary Horst later wrote for the *Adelaide Law Review*. Horst began his tribute by saying: ‘Ivan Shearer was a colleague and a friend; I mourn his passing.’²²

Other students of Horst included: Graham Parker, later Professor of Legal History in Canada; William Cornish, Professor of Law in Cambridge;²³ and John Finnis, Professor of Jurisprudence at Oxford, about whom Horst later wrote an article.²⁴ Horst recalled with pleasure how the graduating law class of 1962 invited him back to be the guest speaker at their reunion, the students of which included the Hon Margaret White AO,²⁵ who was one of the 1962 graduating class.²⁶ It was aspects like these that made him, overall, look back on his Adelaide years with ‘a good deal of pleasure’.²⁷

Another feature of university life that Horst observed over the years was the change from a collegiate structure, in which the Vice Chancellor was more *primus inter partes* and whose salary was not much greater than the other professors, to a commercialisation of the university. This commercialisation led to the gradual development of administrative layers between the academics and the Vice Chancellors, many of whom were paid salaries much greater than the senior academics themselves, which made Universities a less pleasant place in which to work.²⁸

As mentioned, over the years Horst steadily worked his way up the academic ladder, and in 1970 he became Head of the Law School at Adelaide University. When offered the position by the Vice Chancellor, Professor Geoffrey Badger,

²¹ Transcribed Interview with Horst Lücke (n 2) 18.

²² James Crawford et al, ‘Tributes to Ivan Shearer’ (2019) 40(2) *Adelaide Law Review* 393, 405 (‘Tributes to Ivan Shearer’).

²³ Transcribed Interview with Horst Lücke (n 2) 26.

²⁴ Horst Klaus Lücke, ‘John Finnis and the University of Adelaide: The Christian Faith Half a Century Ago’ (2016) 35(2) *University of Queensland Law Journal* 193 (‘John Finnis and the University of Adelaide’).

²⁵ Retired Justice of the Queensland Court of Appeal.

²⁶ Transcribed Interview with Horst Lücke (n 2) 29.

²⁷ Ibid.

²⁸ Ibid 27.

Horst asked him whether appointing a German was appropriate. Badger took down a copy of the *University Act* and, to the amusement of them both, said: 'look, it says here that we cannot discriminate'.²⁹ Upon his appointment as Head of School, Horst was confronted with a difficult situation due to some hostility to the School that had built up during the years of his predecessors from other faculties of the University and the profession. He set to work to correct this and made a point of attending a demanding number of committees and joint working parties in the University, as well as being an active member of the Law Society Council and its various committees.³⁰ The early 1970s were, of course, a difficult time for many university heads as the student protests about the Vietnam War and other things were well under way. In Horst's words, the situation he found as Head of School was that '[t]he 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 cooperative'.³¹

Then, on 10 May 1972, one of Horst's staff, Dr George Duncan, was drowned in the Torrens River by a thuggish gang who threw him in because he was a homosexual. Unfortunately, Duncan could not swim and, despite one of the gang jumping in to save him, he drowned. Duncan had no living relatives and so Horst, as Head of School, felt it incumbent on him to look after Duncan's reputation and interests. The authorities quietly let the matter drop, although there was a coronial inquiry. Horst considered that this was not right and so he took steps with the newspapers, police and politicians to advocate for a better inquiry into the young man's death. An article later written about the events described Horst's efforts: 'Prof Lücke kept up public pressure on the state government, publicly advocating for the law changes' and in 1975 the government introduced legislation to decriminalize homosexual acts between consenting males.³² Horst found all of this very difficult, but he became 'a bit of a hero' with homosexual groups because he had taken up Dr Duncan's cause.³³

Horst was Head of the Law School at Adelaide for three years from 1970 and then again from 1976, which was an onerous position as the head had all the extra burdens, no relief from any teaching and no extra remuneration. Then in the 1980s, Horst could see that some of his colleagues were tending to push for him to take a third term, which was not to his liking. In 1984, however, the University decided to reduce staff and offered a generous retirement package, so Horst took one effective from 9 April 2002. At the age of 55, therefore, he retired from

²⁹ Ibid 12.

³⁰ Ibid 13–14.

³¹ Ibid 14.

³² Jordan Hirst, 'Uni's Tribute to Gay Academic 50 Years After His Murder Changed Australia', *QNews* (online, 1 March 2022) <<https://qnews.com.au/unis-tribute-to-gay-academic-50-years-after-his-murder-changed-australia/>>.

³³ Transcribed Interview with Horst Lücke (n 2) 21.

Adelaide University with his superannuation plus an incentive payment.³⁴ In recognition of his service, the university appointed him an Emeritus Professor and also as a Visiting Research Professor.³⁵

This retirement necessitated a review of his situation. Ruth and Horst had been blessed with three children born during the 1960s — Elizabeth, Christine and Michael, who unfortunately died in 2002. By the time of Horst's retirement, their children had left home and Ruth's mother, who had been living with them, had died, so some downsizing from their large house was called for. After discussions with Ruth, they bought a medium sized house in Semaphore, near Freemantle, a district that had been a port area in its early days. The house and the neighbourhood were run down, and Horst set to work to try to improve both. He founded a Residents' Association and lobbied the Adelaide Council and the government to improve the public buildings and provide more support for the numerous disadvantaged people who lived in the area. Ruth joined a group of ladies offering tea and coffee at St Bede's Hall twice a week and Horst joined the Mental Health Association to lobby for better support for those who were mentally disadvantaged.³⁶

Then Horst decided to explore the possibility of returning to academic work. He made enquiries in Australia and overseas about contracted positions that might be available. He finally took an appointment back in Germany, in Hamburg, as a Research Associate at the Max Planck Institute for Private Law and Private International Law. He had been a guest there in 1978 and so was known to them. The Institute initially employed Horst for six years, but later extended this period by two years. This was a very happy period for Horst professionally as it involved research (and translation) but no teaching. It also carried a handsome remuneration and a pension that became very important in later years. Ruth also enjoyed this time and she became active in the community, including joining the English church in Hamburg, which had been established by English traders there in 1611 and, further, had had close connections with the German immigrants to South Australia³⁷ when they emigrated there from 1836 onwards. The Hamburg residence period covered the years from 1990–98, during which time Horst's major research work was published in the celebrated *International Encyclopedia of Comparative Law*.³⁸

After Hamburg, Horst returned to Adelaide Law School and lectured in Comparative Law from 1999–2005. He was then a Visiting Research Professor from 2005–07 and a lecturer in Statutory Interpretation in 2008.³⁹ He developed

³⁴ Ibid 22.

³⁵ Ibid 25–6.

³⁶ Ibid 24.

³⁷ Ibid 25.

³⁸ Commonwealth, *Government Notices Gazette*, No C2015G00801, 27 May 2015, 2 ('Government Notices Gazette').

³⁹ Ibid.

links for the establishment of a comparative law degree between Adelaide and Mannheim Universities.

In 2007, Horst and Ruth moved from Adelaide to live in Coorabell, in the beautiful hinterland inland from Byron Bay in central New South Wales, to be near his daughter Christine and her family. They also bought an apartment in Macquarie Street, St Lucia, near the University of Queensland so that Horst could be active in the University of Queensland academic sphere and Ruth could join up with members of her Dart family who came from Brisbane. Horst became an Adjunct Professor at Bond University for a while in the 1990s and also did some teaching at James Cook University. In 2007, Horst was also appointed an Honorary Professor at the University of Queensland's TC Beirne School of Law where he actively engaged with his academic colleagues in many research discussions on private and comparative law right up until shortly before his death in 2024. A major flood occurred in Brisbane in 2011, which affected part of Horst and Ruth's St Lucia apartment, and so they sold the apartment and moved to a retirement village in Durack, in the western suburbs of Brisbane, which suited them well. Ruth died on 1 April 2014, but Horst lived on there until his death in 2024, where he continued his engagement with his family, including the wide-ranging Dart family. Horst enjoyed seeing the birth of grandchildren and, in 2024, one great granddaughter.

*Horst Lucke relaxing in his apartment in Durack, Brisbane c. 2020.*⁴⁰



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Photo from the family collection held by Christine Lücke, Horst's daughter.

Throughout his life, Horst's academic work was greatly respected and his *Law Quarterly Review* article on *Slade's Case*⁴¹ not only stamped his name as an intellectual force (and played a major part in his employment in the common law system) but was still being cited before the High Court of Australia in a case in 2019.⁴² In reading the article today one can only wonder how someone with Horst's civil law background could have analysed so comprehensively the intricacies of medieval English common law. He was able to identify 'the decisive role played by pleaders in sixteenth- and seventeenth-century law reform'⁴³ as the law of contract (as we now know it) evolved at a time when it was not possible to challenge openly the basis of the previous forms of action. Horst highlighted the procedural dimension of the development of substantive law, in particular that of the doctrine of consideration in contract law. It was a remarkable subject for a civil lawyer to have chosen and mastered.

Like many civilian lawyers who converted to working with the common law, Horst was fascinated by how the system worked and whether it could eventually be codified. In another *Law Quarterly Review* article in 1982,⁴⁴ he examined, in the context of judicial law making, the stalled movement in the UK for codification of the law of contract. Horst was at heart a believer in the benefits of, and need for, a system of principled codification over the slow and wasteful nature of the common law.⁴⁵ However, he recognised in that article that the traditional methods of English statutory drafting and judicial interpretation needed development and improvement before codification (at least of contract law) could be achieved. Moreover, the article recognised the importance of judicial impartiality, both in fact finding in an adversarial system but also in developing a rationale for decision making — even if 'impartiality is not the same as justice'.⁴⁶ He concluded that 'while it would be idle to pretend that judge-made law is without blemish ... those of its fundamentals which give meaning and reality to the judicial commitment to impartiality are sound ... [and] deserve to be preserved

⁴¹ HK Lücke, 'Slade's Case and the Origin of the Common Counts' (Pt 1) (1965) 81 (July) *Law Quarterly Review* 422; HK Lücke, 'Slade's Case and the Origin of the Common Counts' (Pt 2) (1965) 81 (October) *Law Quarterly Review* 539; HK Lücke, 'Slade's Case and the Origin of the Common Counts' (Pt 3) (1966) 82 (January) *Law Quarterly Review* 81 ('Slade's Case Pt 3'). *Slade's Case* (1598) 4 Co Rep 92 b; (1602) 76 ER 1074 was an English case that concerned how far contractual claims had to be pursued through a writ of debt in the Court of Common Pleas, or could be brought under the more flexible *indebitatus assumpsit* procedure in the Court of King's Bench. The contest of jurisdictions also raised profound questions about judge-made law at a time of absolute monarchy.

⁴² As told by then Chief Justice Susan Kiefel AC at a tea party that she gave in honour of Horst for his 90th birthday.

⁴³ Lücke, 'Slade's Case Pt 3' (n 41) 94.

⁴⁴ HK Lücke, 'The Common Law: Judicial Impartiality and Judge-Made Law' (1982) 98 (January) *Law Quarterly Review* 29.

⁴⁵ He quoted in a footnote Diamond who spoke of the 'tons of verbal pulp that must be squeezed to obtain an ounce of pure judicial law': see *ibid* 31 n 20. See also Aubrey L Diamond, 'Codification of the Law of Contract' (1968) 31(4) *Modern Law Review* 361, 362.

⁴⁶ Lücke, 'Slade's Case Pt 3' (n 41) 88.

and cultivated'.⁴⁷ While developing throughout his life in Australia that intellectual position of a partial convert to the common law system, Horst produced a major body of scholarship on statutory interpretation,⁴⁸ doctrinal contract law, legal history and comparative law, as well as contributing a number of perceptive book reviews.

Horst's major area of substantive law expertise was undoubtedly in contract law. In the 1960s and 70s he published a whole series of articles on individual aspects of the subject:⁴⁹ these ranged from formation (eg intention to create legal relations, arrangements preliminary to formal contracts, and *consensus ad idem*), to complex areas where comparative approaches were useful (eg mistake of identity, illusory terms and implications). Horst's developing mastery of the subject led him to write a book on the Law of Contract, but he was told that there was then 'no market' for it to be published. This was unfortunate, as it contained a very penetrating analysis of common law doctrines from the insight of a civil lawyer and surely should have been published. Happily, *The Australian Law of Contract in the 1970s* was eventually privately published in 2024 and uploaded on to the University of Queensland's eSpace,⁵⁰ and Horst was able to hold a hard copy of it just before he died. It is a pity that he was not able to incorporate into the book many of his later articles on contract law (eg on good faith or damages) along with his contemporary views into an edition on 21st century Australian contract law.

During his later years, Horst wrote many works on comparative law and legal history. The latter included articles on the development of Australian legal historical scholarship,⁵¹ an investigation of the influence of German law on the introduction of the Torrens system of real property law of land holding in South Australia,⁵² and a 2023 book on Ruth's family history entitled *A Voice from Early Queensland: Eliza Dart of Brookfield*.⁵³

Horst's work on the *International Encyclopedia of Comparative Law* has already been noted, and he was rightly proud of his lectures on comparative law at Adelaide. In 2023–24, he was working on editing these for publication. It is hoped that a version of these may be completed by his family and Nick Gaskell and published posthumously by uploading on the University of Queensland's eSpace.

⁴⁷ Ibid 93.

⁴⁸ Horst was proud of his lectures on statutory interpretation, although these have never been published. His writings often touch on the subject, or set it in historical context. See, eg, Horst Lücke, 'Statutes and the Intention of the Lawmaker as the Ultimate Guide to their Applicability: History and Prospects' [2010] *Supreme Court History Program Yearbook* 1.

⁴⁹ See Appendix for a select list of publications.

⁵⁰ Horst Klaus Lücke, *The Australian Law of Contract in the 1970s* (University of Queensland, 2024).

⁵¹ See Horst Lücke, 'Legal History in Australia: The Development of Australian Legal/Historical Scholarship' (2010) 34(1) *Australian Bar Review* 109.

⁵² See Horst K Lücke, 'Ulrich Hübbe and the Torrens System: Hübbe's German Background, His Life in Australia and His Contribution to the Creation of the Torrens System' (2009) 30(2) *Adelaide Law Review* 213.

⁵³ Horst Klaus Lücke, *A Voice from Early Queensland: Eliza Dart of Brookfield* (University of Queensland, 2023). This was a history based around Ruth's grandmother who had kept a detailed diary of her life.

Horst wrote a number of personal appreciations of friends and colleagues, which have a valuable historical flavour.⁵⁴ Although Horst was an agnostic,⁵⁵ he was keenly interested in the religious beliefs of other intellectuals, as shown by his 2016 article on John Finnis.⁵⁶

Horst never let age diminish his intellectual curiosity. He contributed to UQ Law School seminars well into his 90s and had taught himself to use the earliest available version of the AI program Chat GTP, particularly in producing readable translations from German texts for his personal research. Before he became too sick to continue, Horst was part way through writing his memoirs, which may also be edited for publication by his family.

In 2015, Horst was awarded the honour of an Officer in the Order of Australia (AO) '[f]or distinguished service to the law, particularly in the areas of legal education and legal research'.⁵⁷ It was an Honorary Award as Horst never did take out Australian citizenship. Initially this was because he would have to surrender his German citizenship and he needed that to access a small German pension he was receiving, and later, when the Australian government did allow dual citizenship, he never did get around to it.

To his friends and academic colleagues Horst will be remembered as a man with enormous intellectual force, a prodigious memory and a great sense of humour.

⁵⁴ See, eg, Horst Klaus Lücke, 'Isaiah Berlin and Adolf Hitler: Reflections and Personal Recollections' (2019) 40(1) *Adelaide Law Review* 89.

⁵⁵ See Lücke, 'Tributes to Ivan Shearer' (n 22) 408.

⁵⁶ Lücke, 'John Finnis and the University of Adelaide' (n 24). This article is remarkable for its appendices which show a commitment to transparency in the material used for the research, in particular the correspondence with Finnis himself.

⁵⁷ *Government Notices Gazette* (n 38) 1.

APPENDIX: SELECT BIBLIOGRAPHY OF PUBLICATIONS BY HORST LÜCKE

Some of Horst's publications can be found in:

- the University of Adelaide's digital library:
https://digital.library.adelaide.edu.au/dspace/simple-search?query=horst+lucke&sort_by=score&order=desc&rpp=10&etal=0&filtername=author&filterquery=Lucke%2C+Horst+K.&filtertype>equals
- the University of Queensland's eSpace:
<https://espace.library.uq.edu.au/records/search?searchQueryParams%5B%5D%5D=horst+lucke&page=1&pageSize=20&sortBy=score&sortDirection=Desc>

Theses (Not Published)

Lücke, Horst, 'Falschmünzerei in Deutschland von 1949 – 1953' (Dr. Jur. Thesis, University of Cologne, 1959)

Lücke, Horst, 'The Right to the Substitute for the Performance of an Obligation Which Has Become Impossible' (MCJ Thesis, New York University, 1960)

Books

Lücke, Horst Klaus, *The Christian Faith Half a Century Ago: John Finnis and the University of Adelaide* (University of Queensland, 2018)

Lücke, Horst Klaus, *A Voice from Early Queensland: Eliza Ann Dart of Brookfield* (University of Queensland, 2023)

Lücke, Horst Klaus, *The Australian Law of Contract in the 1970s* (University of Queensland, 2024)

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