

***Owen Dixon* by Philip Ayres**
Launch Speech by Sir John Young

I am greatly honoured by the invitation to launch this biography and delighted to participate in a function which honours Sir Owen Dixon's memory.

Most judges in my view do not merit a full biography largely because the judicial and the barrister's life which precedes it do not usually provide material for an interesting biography. But if the judge has done other things as well, he may deserve a biography: a very few deserve a biography on account of their judicial work alone, although such a biography will generally be of interest mainly to lawyers.

Dixon required a biography on both grounds. His contribution to the law, as barrister, temporary judge of the Supreme Court, puisne judge of the High Court and as Chief Justice was unique. As a barrister he quickly acquired a large practice and soon became the reference point for all questions of professional conduct, dominating the Bar and dominating the Committee of Counsel, as the Victorian Bar Council was then called. The Bar took pride in his reputation. As an acting judge of the Supreme Court, undertaken perhaps to see whether he liked being a judge – he did not – he was regarded by the Bar as “an ideal judge in every way”. As a High Court judge and its Chief Justice he was recognised in England, in the United States and even in this country as the greatest exponent of the common law in the English speaking world.

But Dixon of course did much more than judicial work. At the outbreak of the Second World War he could not bear the thought that he would spend the war doing nothing but judicial work and so he immediately offered his services in any capacity to the Prime Minister (R.G. Menzies). He was soon engaged in chairing a number of Government Boards whilst continuing to sit on the Court. And then in the middle of 1942, at the request of the Prime Minister (John Curtin) he went to the United States of America as Minister. He resumed full time judicial work on his return and thereafter (save for about five months in 1950 when he was mediator in Kashmir) as a High Court judge and finally as Chief Justice he developed to the full the judicial reputation of which I have already spoken. And of course there was more. Dixon enjoyed over fifty years of happy married life and was a devoted family man but his private life was kept very private.

I have given this very brief summary of his life in order to show the formidable challenge which Philip Ayres faced in writing this biography.

How then did he meet this challenge? He had available to him all Dixon's personal papers including (very importantly) his diaries from 1935-1965 (as well as two or three earlier ones). These required careful handling as some entries are very personal. All are handled with skill and sensitivity. The author had of course Dixon's judgments all of which he read and many of which are summarised or analysed in the book. The author drew on the recollection of many who knew Dixon and who were able to supply him with much information and the reader will see from the notes who were the principal sources of information. To these sources must be added the fruits of an enormous amount of independent research both in this country and in the United States. In the United States the author searched for anything that might be obtained from the papers of those with whom Dixon worked in Washington. The result of all this labour is a work of great scholarship, of intense interest not only for the lawyer but also for the general reader and of great importance for the historian of 20th Century Australia.

Philip Ayres did not know Dixon and some might think that a disadvantage. But I am inclined to agree with the late Roy Jenkins who began his biography of *Churchill* by saying that he did not believe that biography demands or even necessarily profits from personal knowledge. "It can distort as much as it illuminates."

The author has succeeded in my view in bringing Dixon to life. Sir Harry Gibbs says it is the biography Dixon deserved. The lawyer will be fascinated not only by the analysis of Dixon's judgements which few, if any, lawyers could improve upon, and by a description of his method. As Sir Daryl Dawson has written: "The man and his method come through better than I thought was possible." Lawyers will also be fascinated by the width of his interests and of his reading and by the illumination of the personalities behind the judgments. Many of Dixon's views of those personalities are quoted. Most lawyers will learn much that they did not know. The layman will be interested not only in Dixon's activities outside the law, where he will see the working of a most unusual and truly radical mind, but also in the revelation of what is involved in the work of our highest tribunal. The historian will inevitably be interested in the whole work and he will find that Dixon had an enormous acquaintance, derived largely from his extra judicial activities. He knew almost everyone of importance in the government of wartime Australia and very many in the wartime administrations in both Britain and America, where he made many lasting friendships. The reader will learn, for instance, that Dixon's plan to solve the Kashmir dispute although not carried into effect is even now regarded as the best that anyone has ever suggested. Every reader will marvel at the reach and originality of his mind. His attitude to all manner of topics is revealed and it is the handling of those attitudes that is so fascinating.

The book is beautifully produced under the imprint of the Miegunyah Press. It has a number of illustrations which help the reader to conjure up the man. It has an excellent index and, unusually, a table of cases (which will please lawyers). The careful reader will not fail to pay attention to the notes which are easily accessible and which contain as well as the usual references to sources, some interesting additional explanations of the text and one or two gems such as Dixon's comment on one counsel of whom he said that he "knew of no other man over whom the English language had such command."

It is not my function to offer you a summary of Dixon's qualities although it is very tempting to quote some of the many eulogistic comments by distinguished people all over the world which are quoted in the book. I shall refer to one only and I choose it because it gives a picture of the man of his kindness to the young. Sir Paul Hasluck as a young man in the Department of External Affairs was passing through Washington when Dixon was there and was invited to Christmas dinner. Sir Paul later wrote: "He treated me as though he had known me for years and entered into conversations as though he valued my opinion. ... Dixon had that knowledge and urbanity to be able to talk without any thought of showing off and the grace to assume that others would naturally converse in the same way. ... I had the happiness in later years on a number of occasions of having long conversations with Dixon. ... [he] had the most distinguished mind I have been privileged to know among fellow Australians." Many here tonight would I imagine have had similar experiences and would endorse Sir Paul's view.

It is customary when launching a book to wish the success it deserves and I certainly do that. But I think that it deserves not merely a large number of sales but also that it should rekindle in the legal profession and particularly in the law schools an interest in Dixon's work, a desire to study his paper *Concerning Judicial Method* and so dispel some common misunderstandings about his work. After all we who were privileged to have in this country one of the greatest common lawyers of all time should surely study his work with care and a rekindling of interest in it should lead the law back not to the past but to an understanding of the strict logic and high technique of which Dixon was such a distinguished exponent. It is not a matter of asking whether Dixon was right but rather of understanding why he was right. That is what I hope the book will achieve and that is what I think it deserves to do.