

Philip Ayres, *Owen Dixon*, Carlton, The Miegunyah Press, 2007

FOREWORD

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Sir Owen Dixon possessed the most formidable legal mind in all of our history. He had a particular genius for reasoning and clarity of expression which placed him in the first rank, not only of lawyers but of philosophers.

He was one of the great common law judges of the 20th century. His reputation as such was widely acknowledged. As Lord Reid, one of the few English judges of the 20th century who could join Dixon in the first rank of common law judges, said of him: "There is no greater authority on questions of legal principle" (*R v Warner* (1969) 2 AC 256 at 274). Similarly Lord Bingham, the current Senior Law Lord, referred, in a review of the first edition of this book, to "the rare and universal regard in which Dixon was held in the common law world".

To lawyers of my generation Sir Owen Dixon was the most important single influence on the development of our own attitudes to the law. His influence today, inevitably, is not as significant as it once was, but it remains profound. As the common law continues its nine century old tradition of gradual development through the intersecting forces of continuity and change, Dixon will be one of those handful of judges in the history of the common law whose judgments are still quoted centuries after his death.

For those, like myself, who had hitherto known Dixon only from his legal writings, the publication of this biography came as a considerable revelation. By the application of the skills of the historian, whilst drawing on others with knowledge of the legal issues that arose during Dixon's legal career, Phillip Ayres has painted a broader picture of Dixon's public career, of the depth of his intellectual interests, which sometimes came at the expense of breadth, as well as a perceptive analysis of his personality and character. Drawing on an amalgam of public utterance, unpublished diaries, private correspondence and the reminiscences of friends and

acquaintances, this is a work of significant scholarship and a profound portrait of an extraordinary Australian.

The central narrative of Dixon's extraordinary contribution to the law is supplemented by the detail of his other contributions to public service, particularly during the Second World War. His personal background and family life, together with a rich vein of anecdote, is set forth, illustrating his strength of character, particularly the high standards of personal conduct and the ethical principles that he applied with rigour, not only to himself but in his judgment of others

Of course some of the values that he held so firmly, which were in large measure Victorian values, are no longer widely held. In many respects his beliefs would, today, be characterised as prejudices of an unacceptable character. He frequently expressed sentiments that would now be regarded as anti-semitic and racist. This biography, which does not try to hide any of these blemishes, accurately depicts Dixon as representative of his time. In this, as in so many other respects, Phillip Ayres presents the facts sympathetically to his subject, with no suggestion of hagiography, but in such a way as to permit any reader to make an independent assessment.

As Samuel Johnson, a biographer of note and the subject of one of the greatest biographies of all time, said:

“No species of writing seems more worthy of cultivation than biography, since none can be more delightful or more useful, none can more certainly enchain the heart by irresistible interest, or more widely diffuse instruction to every diversity of condition.”

This book is a fine example of the genre and serves these purposes well.