

SOME RECOLLECTIONS OF SIR OWEN DIXON

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When Sir Owen was appointed Chief Justice of the High Court of Australia that great American jurist, Mr Justice Felix Frankfurter, sent him a cable the central words of which said everything: 'Law is enhanced'. Indeed it was, as never before or since in this country, and those words might be used as a fitting verdict upon the whole of Dixon's public life. Not that his interests were confined to the law. In fact his interests were almost completely unconfined. To listen to him talking on a wide variety of subjects — in the cosiness of his happy home; in the calmness, broken occasionally by boisterous hilarity, of his judicial chambers; in the informality of a Judges' conference where differences of opinion were freely canvassed with tolerance on his part and yet no condescension, and with frequent relieving irrelevance — these were experiences to enliven the dullest of minds, to widen everyone's horizons, and to promote enthusiasm for work, for good fellowship and for co-operation in service to all people interested in thinking.

'If I have achieved anything', he said to me, 'it has been by hard work'. This was, of course, an understatement, for to 'a supreme capacity for taking trouble' he added that element of inspiration which Thomas Edison rated, I think wrongly, at one per cent. of genius. With Dixon it was much more than one per cent. Yet hard work was indeed a governing feature of his life, and his resultant learning was immense. To the end of his judicial career he never slackened; he never abated the energy of his darting, quickening intelligence, or the reinforcing of it by wide reading, or the prodigious output of his pen. He never allowed a desire for haste to be an excuse for lack of thoroughness in thought or research or exposition. On a famous occasion, urged by a Government to expedite the preliminaries in a constitutional case, he replied with characteristic directness: 'It is more important that this case should be decided correctly than that it should be decided soon'. That might well be thought of as a headnote to every judgment that he wrote.

Yet Dixon's passion for exactness in thought and expression was accompanied by a consciousness of fallibility. A favourite quotation of his — one that he even dared to apply to a State Chief Justice — was Cromwell's advice to the clergy of Scotland: 'I beseech you, in the bowels of Christ, think it possible you may be mistaken'. He knew what it was to be overruled, and

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on occasion to accept the correction of a view he had publicly embraced. But he never wilted before a challenge to his thinking on the ground of its novelty or lack of supporting authority in the books; and yet, even while seeking to lead legal thought along unblazed or faintly trodden paths, he was ever a loyal servant of a developing Law, and not its unfettered master — never (as he once described a certain English Judge much acclaimed by some) a 'chartered libertine of the law'.

To counsel appearing before him he was uniformly courteous and good humoured, even when (as I well remember) one failed to understand completely a suggestion that he had offered in argument.

To his Judges he was a friend, wise, helpful and considerate. He never tried to force his own opinion upon one who tended to differ from him, though he would sometimes suggest a train of thought where it seemed to be needed or induce reconsideration by a prompting from the astounding resources of his memory. He insisted that he was only 'primus inter pares'; and yet he was truly a leader, not by any exercise of his superior personality, but by the example of his unbending integrity and by the width and depth of his knowledge.

Dixon eschewed publicity. Even non-lawyers bowed before his evident brilliance while he lived; but self-advertisement he despised, and we can hardly expect that his fame, great among lawyers though I believed it will always be, will continue to be widely celebrated by generations of Australians who did not know him for the mighty man that he was. Yet, remembering his immense contribution to the life of his time and of years perhaps centuries to come we, in varying degrees his immediate beneficiaries, must surely claim for him a unique place in that grand company of 'famous men' whom Kipling joined Ecclesiasticus in bidding all to praise —

For their work continueth,
And their work continueth,
Broad and deep continueth,
Great beyond their knowing.