

## Enid Campbell

The refusal of Enid Campbell's parents to allow her to learn to tap dance 'like Shirley Temple' and the pressure of University study which led her to abandon the development of her skills in drawing and graphics may have deprived the performing and visual arts of a great talent, but the world of law has been the better for it.

Enid was born in Launceston, Tasmania, in 1932. She was the first-born in a family which, on her father's side, could trace its origins to a James Brumby, of the New South Wales Corps in the early days of settlement of New South Wales. When he moved from the colony of New South Wales to that of Tasmania to become a constable in the Northern Plains District there, he released his horses to run wild — explaining, according to Campbell family lore, why in Australia wild horses are called 'brumbies'.<sup>1</sup>

Though Enid's predecessors were generally associated with the land, her solicitor father provided an alternative career model for his talented daughter. He was the first professional person on either side of the family, but held no law degree, having been admitted to practice after serving his apprenticeship as an articled clerk. He was hard working, widely read, up to date with the law and took great pride in the quality of his work — standards which, through genes and by example, he obviously transmitted to his daughter.

Enid completed her secondary education as dux of the Launceston Methodist Ladies' College, but not without incident. Throughout her academic life, Enid's keen sense of humour has been flavoured by a certain mischievous quality which, when it emerges, catches some of her colleagues by surprise. It is traceable to her school days when she was threatened from time to time with expulsion for creating sensations or crises in class. The prospect of being ejected from the world of books and learning was sufficient to bring her hi-jinks under control, but the lawyer in her was also emerging. When, in her final year of high school she was again threatened with expulsion for having absented herself from compulsory Scripture classes for months at a time, she was able to earn a final reprieve by pointing out to the headmistress that it would not be in the school's interest to expel her as she was the only member of the matriculation class who stood any chance of obtaining a university entrance scholarship!

This prediction proved to be true and with scholarship in hand, she enrolled in economics and law in the University of Tasmania in Hobart in 1950. Her proficiency in drawing and the graphic arts which had revealed itself at school and which was maintained through evening courses at the Hobart Technical School in her early university days, fell by the wayside, despite her having won prizes for her work. The compensation was graduating LL.B. with honours in 1955 and sharing the University prize for the top law student. In doing so she became the first in her family to be awarded a degree.

<sup>1</sup> This is supported by the entry on James Brumby (1771–1838) in Vol. 1 of the *Australian Dictionary of Biography*, Melbourne University Press, 1966.

After receiving her Bachelor of Economics degree the next year and having been admitted as a Barrister and Solicitor of the Supreme Court of Tasmania and a practitioner of the High Court of Australia, Enid looked for opportunities for further study overseas. The Commonwealth Scholarship scheme had not been inaugurated at that stage and women were ineligible for the Rhodes Scholarships. She was one of the first group of students to be selected for a new United States scholarship designed to bring graduate students from Commonwealth countries to Duke University in North Carolina. There, at the Graduate School of Arts and Sciences, she earned her Ph.D for studies in international law, political philosophy, comparative politics and public administration and for a thesis on John Austin's contribution to 19th century jurisprudence.

Dr. Campbell, as she now was, returned to her alma mater in Hobart in 1959 as a 27 year old lecturer in political science, with additional responsibility for lecturing in international law in the Law School. She was its first full-time female lecturer. Nowadays, when over 50% of Monash Law School academic staff are women, it is difficult to envisage how novel a step this was at the time. Yet, in the Centenary History of the Faculty of Law at the University of Tasmania, the effect of being taught by a woman was recalled by Justice Peter Heerey of the Federal Court of Australia (then one of the all-male student body) in these terms:<sup>2</sup>

... none of us had been to co-educational schools. Imagine our consternation when groping with the tutorial problems set by Enid Campbell, one in particular which detailed various complex activities of a libidinous nature in the course of a student river cruise ...

The opportunity to move to a larger and better resourced University and to be more fully engaged in law teaching took Enid to New South Wales in 1960 to assume a lectureship in the University of Sydney Law School. There she rapidly progressed to the rank of Associate Professor in Law, the first woman to hold such a position in Australia. Her teaching at that time concentrated on constitutional and legal history. The challenge of teaching such material to young people was not made any easier by the fact that classes contained 300 to 400 students.

Amongst her students during that period were ones, such as Mary Gaudron and Bill Gummow, who were later appointed to the High Court. Justice Gaudron specifically remembers Enid Campbell in the early 1960's as the only female member on the academic staff.<sup>3</sup>

That period was one in which Enid showed her capacities for research and writing of the highest quality. In a space of two years she published three books: *Parliamentary Privilege in Australia* (1966); *Freedom in Australia*, with Harry Whitmore, (1966);<sup>4</sup> and *Legal Research: Materials and Methods*, with Donald MacDougall, (1967). Added to this was a further 17 journal articles

<sup>2</sup> Richard Davis, *100 Years: A Centenary History of the Faculty of Law University of Tasmania 1893-1993*, Hobart, University of Tasmania, 1993, 49.

<sup>3</sup> John Mackinolty & Judy Mackinolty (eds), *A Century Down Town: Sydney University Law School's First Hundred Years*, Sydney University Law School, 1991, 141.

<sup>4</sup> A second revised edition was published in 1973.

which emerged from her pen during the seven years she spent at the Sydney Law School. These revealed her breadth of learning in such diverse areas as the regulation of Australian coastal fisheries, freedom of speech and powers of investigation and discipline in parliamentary settings, the law relating to contemptuous criticism of the judiciary, analysis of various prerogative powers, the legal status of women, civil jury trials, colonial legislation and the laws of England, Crown land grants, and public access to government documents.

Although Enid always has many projects in hand and often seems to be lost behind a barricade of paper stacked high on her desk, most of her concentrated writing takes place in the evenings and on weekends. She ordinarily works without research assistance, preferring to gather and verify the research material herself. She thrives on intensive work related to one theme rather than a more fragmented approach such as she might have had to face if she had chosen a career at the Bar. It was her intimacy with the research holdings of law libraries and gratitude for the features of the good ones (she describes the first one at the University of Tasmania as the size of a pantry) which stimulated the writing of her text on legal research with Donald McDougall. It was a pioneering work for Australia, the value of which is confirmed by it having reached a fourth edition enlarged by the contributions of various co-authors.

After a period of study leave at the University of Wisconsin in 1966–7, as a Fellow of the Council of Learned Societies to undertake work in legal history, Enid looked for fresh fields in Australia. She was attracted to Monash University which had established a Faculty of Law in 1964 with Professor (later Sir) David Derham as its Foundation Dean. On being appointed the Sir Isaac Isaacs Professor of Law at Monash on 1st August 1967, Enid became the first woman to hold a Chair of Law in any Australasian University. She has remained a full-time member of the Faculty ever since. She is, after Professor Louis Waller who was appointed in 1965, the most senior Professor in Monash University.

She began at Monash by teaching in the field of legal history, but she soon pursued her keen interest in public law through teaching and research in constitutional law and administrative law, in which she is now recognised as one of Australia's leading scholars. Over time she also taught in other areas such as torts, legal process, legal philosophy and legal history as well as offering specialist subjects in the graduate programme. Her reading guides and teaching materials are renowned for their depth and quality. And those students whose theses have been written under her supervision know that the copper-plate, pencilled marginal annotations which record her dissection of their work, are replete with wise counsel, designed to help them meet the standards of scholarship which the University is entitled to demand and which Enid has always avowed.

Having been appointed a full Professor, much more administration came Enid's way at Monash than she had been required to undertake at Sydney. In 1971 she was appointed Dean of the Faculty, and although the Deanship passed, not to her regret, to Professor David Allan later that year, she has

continued to be heavily involved in key committees concerned with Faculty and University governance. In addition she has held the office of Director of Research in the Faculty and has led one of the major reviews of the law curriculum which the Faculty periodically requires itself to undertake.

Her prodigious research output has continued unabated. She is the author or co-author of 10 books or other monographs, of some 90 articles, reports, or chapters in books or reports, and of numerous conference papers. Yet she still has time to remember the research and other interests of her colleagues to whom she sends a stream of hand-written notes or photocopied extracts of relevant items when she comes across them. She is generous with her extensive library of books and reference materials, as well as with her vast collection of classical and modern literature. Enid has always been a voracious reader. Rarely does anyone who comes to her room seeking advice or guidance leave empty handed.

Enid has served the University and Faculty with great distinction, not only in the discharge of its teaching, research and administrative functions, but also in its service to government in law reform and related areas. At a federal level she has acted as an honorary consultant to the Administrative Law Council and to the Australian Law Reform Commission, and at the state level was a member of the Advisory Council of the Law Reform Commissioner of Victoria.

Between 1974 and 1976, she was a Commissioner appointed by the Whitlam Government to the Royal Commission on Australian Government Administration, presided over by Dr H.C. (Nugget) Coombs, a former Governor of the Reserve Bank of Australia. The purpose of this Commission was to review the entire federal public service and all federal statutory authorities. One of the important consequences of the Commission's recommendations was an enlargement of the federal Auditor-General's powers, to enable him to enquire into matters of administrative efficiency as well as financial regularity in the federal government service. Her contributions to the Commission's work won high praise.

From 1984 until 1986, Enid was a member of the Commonwealth Tertiary Education Commission's Committee to Inquire into the Discipline of Law (the Pearce Committee). This was the first national review of the university teaching of law in Australia. Its report, published in three volumes in 1987, led to improved funding arrangements for those Law Schools which had been neglected and set the standard for the other discipline reviews which were to follow. In 1985, she was appointed by the Commonwealth Attorney-General to be a member of the Constitutional Commission, a position which continued until 1988. The Commission carried out a broad and detailed review of the Australian federal constitution as part of the lead-up to Australia's Bicentennial celebrations. Though the recommendations of the Commission led to a referendum, the populace remained impervious to the need for change. Enid's contributions to the work of the Commission and the preparation of its reports was substantial and gained her much acclaim.

Public recognition of Professor Campbell's contributions to legal scholarship and legal education have come in the form of her election in 1972 as a

Fellow of the Academy of Social Sciences in Australia, and her appointment in 1979 as an Officer in the Order of the British Empire, in the Commonwealth of Australia list. However, that which has the most personal meaning for her is the degree of Doctor of Laws *honoris causa* which was bestowed by the University of Tasmania in 1990. It was one of five such doctorates conferred on the occasion of the University's centenary, to distinguished graduates of that University.

In an age in which computer software seeks to emulate human intelligence by relying on concepts such as 'fuzzy logic', and electronic databases swamp researchers with gigabytes of undigested and unanalysed material, Enid Campbell's university career, and her research scholarship and writing, stand as a testament to the value of personal discipline and tenacity, intellectual rigour, strict logic, and human creativity. She is the exemplar of the highest standards of scholarship to which a world-class Law School, such as ours, aspires.

This special issue of the Law Review has been supported, not only by the Faculty of Law, but also by the University through the Publications Grants Committee, to honour Enid Campbell's contributions to the discipline of law in Australia for almost 40 years. It is an expression of gratitude for her role in the advancement of the Faculty of Law at Monash University over the past three decades and marks the high regard in which she is held by her colleagues and by successive generations of her students.

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