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LAUNCH OF
A PUBLIC LIFE - THE MEMOIRS OF SIR ZELMAN COWEN

The Hon Justice Michael Kirby AC CMG^{*}

It is a cruel and unusual punishment for Australia's third most popular book launcher to be confined to ten minutes to launch this splendid book on the life of Sir Zelman Cowen, one of Australia's most distinguished citizens. This permits but one minute a decade - and that leaves no time to call attention to typographicals and other slips for which an accomplished book launcher always diligently searches.

These memoirs are unusual by today's standards. There is no violence, except for the memories of the bombing of Darwin and the downing of Admiral Yamamoto's plane during the author's war service. There is no account of a torrid hidden love affair. True, there is a hint of an early girlfriend and more than a hint of a cultivated eye for female pulchritude. But when Zelman snared Anna Wittner as his bride

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(stealing her almost from a teenage cradle) his much blessed marriage became the rock on which he built his years of public service.

Running through the pages of this book, virtually from the beginning to the last page is his great love for Anne, to whom he dedicates the book. He is not alone in this love. Thousands of Australians came to know this gentle, insightful woman who, in another land, we would have called our First Lady. The unique title conferred on the spouse of the Governor-General was in her case most richly deserved. As this book shows, Anna Cowen was indeed an Excellency. She was excellent from the moment in her marriage, 61 years ago this day, when she ticked the author off for an over-short haircut taken just before the ceremony. She is foremost in her support for him today. Every human being hopes for such life-long love. It says something about the author that he won, and retained, such love for so long.

Zelman Cowen says that he originally wrote these memoirs for his family. Future generations of Cowens, and of Australians, will be glad to have this record. Through it, they come to know the public man better. But also the woman, the family, the public figures, the world of ideas and, most importantly, themselves. Through public interpreters like Zelman Cowen, Australians discover their own distinctive features.

This is a story of an intensely busy life. Rightly it is called, in the subtitle "A Public Life". One of the supposed advantages of an academic career is that it permits the scholar a high degree of privacy

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and quiet contemplation within the ivy covered towers, under the university spires.

But our hero, from the beginning, was a restless person. Restlessness was in his genes. He was striving and accomplishing from his earliest schooldays. This is a book that tells of those accomplishments. There is proper pride in the many achievements, offices, functions, duties and opportunities, seized to the full. The book become endearing because the journey is recounted with modest humour and a sense of standing outside and marvelling at the good fortune that repeatedly came his way.

There are plenty of hints of the interesting and powerful men and women whom the author met during his long and varied career. The description of Douglas MacArthur briefly encountered in the midst of the Second World War, directing the armies from Brisbane. The recollection of one who described how Hitler "smelled vile": adding an olfactory warning about the evil that lay within. The vivid pen pictures of great judges like Owen Dixon, H V Evatt, Felix Frankfurter, Tom Denning. The insider's account of politicians he came to know.

Zelman Cowen assumed the office of Governor-General of Australia in 1977 in the wake of the greatest crisis that the position has faced. He describes the conversation with Prime Minister Malcolm Fraser that led to his being offered the keys to Yarralumla. He also describes a later conversation when he was invited (unsuccessfully) to

stay in the office a further three years. He recounts the graceful gesture of Gough Whitlam, at his farewell dinner in Government House, rising to pay an impromptu tribute to his exemplary service in the office that Whitlam had come to question. For my own part, I would have liked more such insights into the political comings and goings in those years in the Vice-Regal position. But either there were not enough of such encounters (as the author hints) or he is too discreet to describe them. The national wounds of 1975 are still painful. And his greatest service to Australia was that he used his incumbency to bring a "touch of healing" to settle the sharp divide that had opened up over the actions of his predecessor, Sir John Kerr, in dismissing Mr Whitlam as Prime Minister.

That phrase "a touch of healing" became the title of a book that collected his Vice-Regal speeches, of which I was an editor. As he points out, it is actually a quotation from Jawaharlal Nehru, speaking of the brilliant formula that retained the role of the Crown in the Commonwealth of Nations but allowed India to become a republic. It was a quiet brilliance of this order that Zelman Cowen, the lawyer and public figure, brought to the office of Governor-General. For that service, and the calm it brought back to our central institutions, Australia owes him a large and continuing debt. Now, in these memoirs, we have his version of events, as he saw them. But more. For they are placed in the context of his life.

I found the opening chapters on his forebears, his childhood in the 1920s and his youth and his school and university days in the 1930s

particularly interesting. In part, this was because I already knew a lot about his public life. These early pages afford fresh glimpses into the human side of the public man.

He explains how many migrants to this country have no real idea of their ancestors. Many, like his family, fled persecution. The records that go beyond the memories of grandparents have been lost forever. So we have to make do with his description of his immediate family and the relatively humble circumstances of his earliest years. He was born on the very day that Alfred Deakin, the inspired founder of the Commonwealth of Australia, died. In a mystical way, this coincidence of events foresaw his later part in the Commonwealth, including the role he would assume as a scholar, explaining the mysteries of federal jurisdiction in Australian courts and the theology of "matters" within Ch III.

His description of the 1920s and 1930s evokes images of an Australia that was very different from what we know today. Ethnic outsiders were rare in that largely monochrome Anglo-Celtic world. Yet even then, Zelman Cowen stood up and stood out. Not only did he perform brilliantly at school. In his teen years, he wrote a prize winning essay *Pogrom*. As news of the persecution of Jews in Germany trickled into his classrooms and into his consciousness, he felt an obligation to stand up against fascism and to interpret its evils, on a human level, to Australian school friends for whom it all seemed so far away. We need such interpreters in this land. We need them today. If such a descent

into barbarism could happen in Germany, it could happen anywhere. The Nazis targeted not only communists, socialists and Jehovah's Witnesses who chose their badge of persecution. They also targeted Jews, Gypsies and homosexuals just for being who they were. The young Zelman Cowen saw the dangers of anti-Semitism and illiberalism as a teenager. He began a lifetime of civic communication to educate his fellow Australians about them.

When we arrive at his university years, in Melbourne and at Oxford, we read of still further brilliant results; and his abiding fascination with new ideas and with the people who interpreted them. The memoirs are full of affectionate recollections of lifelong friendships. Those who did best in this connection were scholars and conversationalists - in short, people of the mind and spirit like Zelman Cowen himself.

After his stint as a postponed Rhodes Scholar in Oxford following the War, he reached one of those turning points in his life. He was offered a fascinating post in a new Chair of a Department of American Studies at the University of Manchester. He turned it down. The book reveals many such turning points in his life - at Geelong Grammar; as Dean of Law in Melbourne; as Boyer Lecturer on Privacy; a noted stint in radio and television when that was most unusual for academics; Vice-Chancellorships; appointment as Governor-General; the offer of the post of Provost of Oriel College in Oxford. Just at the critical moment something always turned up to stretch him and to extend his service in

new directions. It was like a series of miracles and happy chances. But he seized them all and made the most of every one of them.

I was the beneficiary of one of these new adventures. As he recounts, he was appointed a Commissioner of the Australian Law Reform Commission in 1977 when I was its Chairman. We soon lost him to Yarralumla. But it was not before many stimulating contributions were made that revived his interests in law and its formation.

When the pages of these memoirs seem to be sailing along in placid waters, suddenly there is a shock. It might be his revelation (at p 177) that in 1951 he was not opposed to a ban on the Communist Party as such. But he was opposed to altering the Constitution to grant large new powers to the central government to invade citizens' rights of free association. His friendship with the publisher Robert Maxwell comes as a shock, given the bad press the latter received following his disappearance and presumed death after purloining the staff pension funds. Zelman Cowen was not the only person the charming Maxwell duped. His belated conversion to the republican cause is explained. He supports "reluctantly" an elected presidency, if that is the only way Australia could take the step. There is an irony in this confession. It seems somehow unlikely that an Australian electoral process would ever deliver a contemplative scholar like him - more likely a sporting hero or a television news reader.

Yet for the most part, the man who emerges from these pages is a practical intellectual, with special gifts of communication. He liked nothing better than engaging in debate over some new social issue. And he had enormous energy and an endless fund of ideas because of his own vast reading, great network of friends and incurable fascination with the human condition.

At various times in his life, Zelman Cowen, like all of us, has faced tests of resolve and courage. He did so when he wrote *Pogrom* at school. He did so when he volunteered for war service. He did so as Vice-Chancellor of the University of Queensland when he faced student unrest in a State whose authoritarian Premier at the time rather enjoyed such confrontations and mobilised the dog whistles in attacking students, scholars and academic freedom.

It was at that time, in an Orientation address at the University of Queensland in 1970, that Zelman Cowen declared where he stood:

"I stand for a self-critical, liberal, self-reforming campus which insists upon and asserts the value of free and searching enquiry and freedom of speech. These were the values I did my best to maintain during the troubles. [That is why I was] standing for so long between the University and those who saw in the troubles an opportunity to impose fetters upon it". (p 288-9).

So there you have it. He was a safe pair of hands. A non-confrontationist until it was absolutely necessary. A prudent public figure, always engaged with his society. But someone who came to all

issues from a background of indelible commitment to the liberal values of the Australian Constitution and respect for fundamental human rights, dignity and diversity. From a Jewish intellectual, turned public man, nothing else was really possible. The sufferings of the Jewish people in his lifetime, that he felt personally, would not have permitted a different path. In the aftermath of Remembrance Day 1975, he was therefore an inspired choice as Governor-General. It is just one of the many things for which Australia must be grateful to Malcolm Fraser. This book shows why.

Life is short. We cannot read all the books that are published. Some readers will demand more action than they find in these pages. Others will thirst for a murder or two; more romance; greater conflict; more excitement; an increase in raw humour; or endless sport. If you are a reader who wants these stimuli, you would probably not be at this launch. You will certainly not buy this book. The life of an academic lawyer, turned public figure, would just not be your cup of tea. After all, there have not been many of them that have made it to the very top.

But if your spirit is in harmony with the contemplative world of chamber music; is lifted by the soaring beauty and emotion of opera. If you savour the often elusive ironies common in a university dining hall or in a heated council meeting. If you delight in the nuances of law as it operates in society. Then, the story of the journey with this distinguished man will be a joyful one. There is no hint in this book of spite, small-mindedness or unworthy belittlement. In fact, the book is like a long

civilised conversation with its author. Snippets of quiet humour. Memories of good discussions with some of the finest thinkers of the age. A cameo portrayal of a civilised time of an Australia we can probably not fully recapture.

It is a good thing that Zelman Cowen has recorded his memoirs, not only for his family but for all of us. I congratulate him and Anna, his other self. I praise Don Markwell and Geoffrey Browne for helping him when the writing and dictation became impossible because of Parkinson's Disease, of which he candidly speaks in the closing page. I praise Melbourne University Publishing Ltd and the Miegunyah Press for a beautiful production. Alas, it is even free from any typos for which I most diligently searched.

The young Jewish boy whose first years were lived in a home with the curious name (popular at the time) of "Emoh Ruo" is our Australian version of log cabin to White House. The log cabin was a semi-detached cottage in Melbourne occupied by a family of foreign origin and culture. The White House at Yarralumla, in his time and since, threatened no one and meant only peace and healing, with justice, to all. For such a life in such a land we can be proud. And especially now that we can read how it was infused with goodness and kindness and yet reached great heights.

This book explains that the Cowens are long-livers. I predict that there is a further chapter to supplement this story. It will record the

ongoing struggle with James Parkinson's syndrome until, in time, genetic science and human courage help us to conquer this enemy, just as other diseases have been tamed. If ever there was a champion to write this further chapter, it is Zelman Cowen. I praise and honour him; but I also look ahead. He is our Australian Mohammed Ali. I suspect that he has some more gentle mental punches still to deliver

I am proud to launch these memoirs. And, if I am asked, I will be proud to launch the next edition.

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