

Foreword

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The first edition of a collection of Sir Owen Dixon's papers was published under the title of one of them, *Jesting Pilate*, in 1965. In the publisher's foreword the publisher explained that it had been recognised that Dixon's contribution to the law extended beyond the law reports. In the foreword to the second edition, in 1997, the publisher spoke of the maintenance of Dixon's position of eminence in the common law world.

This third edition is edited by my former colleagues, the Hon Susan Crennan AC and the Hon William Gummow AC. It is notable for the additions made by the editors: papers by Dixon not previously published, including one as to the Separation of Powers in the Australian Constitution; papers by the editors themselves on aspects of Dixon's thinking and by others such as his former associate James Merralls AM QC, which provide valuable insights into Dixon as a person. The editors' introduction charts his origins, his long and productive career as a jurist and the profound influence he has had on the jurisprudence of the High Court.

In the constitutional sphere Dixon is well known for his clear conception of federation and what it means. His understanding of the importance of Chapter III and its relationship to the rule of law is evident from the *Communist Party Case*, Susan Crennan explains, and it may be seen to have laid the foundations for more recent decisions concerning s 75(v). It has done much to allow Australian lawyers and judges to navigate a world without a Bill of Rights.

But of course Dixon's legacy is greater than his contribution to constitutional law. As William Gummow observes, his statements of principle on a range of subjects continue to be the starting point for the process of judicial determination. They are the products of deep, intellectual inquiry.

Dixon's extra-judicial writings enable us to appreciate the broader picture of the law as he saw it, to better understand the thinking behind his reasoning in cases, and his views of the judicial method to be employed in the development of the law. By their refined selection of additions to Dixon's papers and in the thoughtful observations made by them and others, the editors expand our knowledge of Sir Owen Dixon and his many contributions to our law. They ensure that he will continue to speak to new generations of lawyers.