'At the end of 1994, Tom launched Costello's book, Saints, Popular and Relevant, *referring to the author as "my dear friend". He later told a Jesuit gathering that Costello's "wise advocacy led me back to a path I should never have left".'*

TOM HUGHES

Beau Sabreur of the Bar – Warts, Beauty Spots and All

By James Murray

Tom Hughes QC, A Cab on the Rank, by Ian Hancock Federation Press rrp hardcover $59.95

WHEN preparing for his biographical Koh-i-Noor – big but not dull – Ian Hancock must have been tempted by the modern format involving a peak experience and a flashback to the rest of the life.

In the case of Thomas Eyre Forrest Hughes, however, Hancock's difficulty might well have been deciding which peak experience to go for.

Intrepid World War II Sunderland flying boat skipper on U-boat hunting patrols over the Atlantic with perhaps a reference to Ivan Southall's classic of such warfare, *Fly West,* to supplement the modest Hughes account.

Attorney General, during the Vietnam War, famed for using a cricket bat to defend his enclosed home in Sydney's Bellevue Hill.

Contrasting his disciplined career with that of one of his younger brothers, the rambunctious art critic Robert Hughes.

His relations, social and legal, with his Bellevue Hill neighbours the Packers.

His appearance for Lionel Murphy, surely the only High Court judge in the silk and fustian patchwork of English Common Law (domestic and foreign) to appear in the dock charged with conspiring to pervert the course of justice.

Resisting the temptation, Hancock begins at the beginning with the birth of Tom Hughes in 1923, coupling it with his Irish and English lineage to provide an invaluable social history of colonial and modern Australia.

Among his clarifications is the difference between 'bounty' and 'government' immigrants from Ireland, and the many benefactions of John Hughes, son of Tom Hughes and Maria Cogan, great-great grandparents of the clan.

These include the leading role John Hughes played in bringing the French Sisters of the Society of the Sacred Heart of Jesus to Sydney. Hancock adds that John 'to the everlasting chagrin of his great grandson Robert Hughes, bequeathed to his oldest daughter Maria the family home Kincoppal (Erse for sea-horse) named after a rock formation on the harbour foreshore at Elizabeth Bay and that she, committed to the Sisters of the Sacred Heart, exercised her right and handed Kincoppal over to the Society.

Describing his subject's war experience, Hancock reveals that Hughes's father Geoffrey, who also served during World War II, was a World War I flying ace; with a force of 11 aircraft he engaged between 40 and 50 enemy aircraft – the Red Baron Manfred Von Richthofen's Flying Circus no less, and was awarded the Military Cross.

Hancock's sweep approach also enables him to cover the inglorious outcome to the Hughes cricket-bat epic; as a witness in a further sequel, Hughes saw his fellow QC Jack Smyth execute a late-cut worthy of his own prowess: the Bellevue Hill driveway did not have a gate and accordingly was not 'enclosed'.

On the Packer relation, Hancock shows how a rift occurred when a new CEO Al 'Chainsaw' Dunlap cut Hughes QC's long-standing retainer and Kerry Packer dismissed

a plea for its re-instatement only to be subsequently enraged when Hughes appeared in a case against him.

On Lionel Murphy it is enough to say here that Hancock provides material that will be crucial to a definitive biography, including Gough Whitlam's aside to Hughes that Murphy was 'graceless' – an intriguing epithet from a prime ministerial QC who appointed Murphy to the High Court.

No less fascinating is the part Hughes QC played in representing Laurie 'Last Resort' Connell in what has become the legendary Fall of the House of Fairfax.

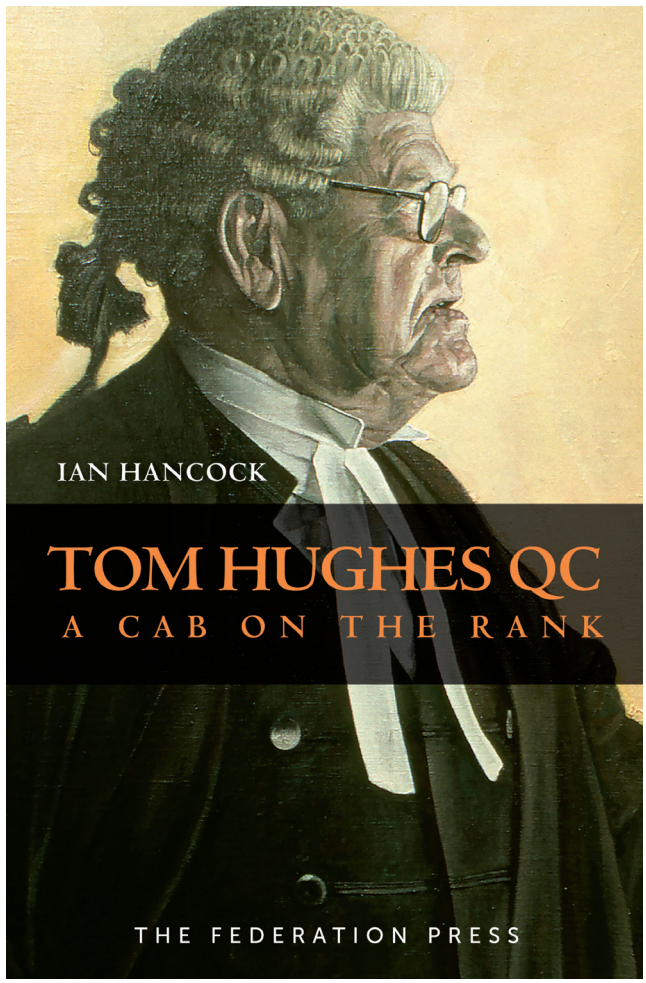
Although Hughes QC and his son-in-law Malcolm Turnbull spoke at the Oxford Union for the motion that the private lives of politicians should remain private, Hancock provides a section of discreet yet revelatory material on Hughes QC's courtships, marriages, farming and racing interests that will tempt makers of television docu-dramas.

Hancock quotes Anthony Howard as commending the Hughes Oxford speech but merely describes Howard as the resigned editor of *The New Statesman*. Howard himself was a former president of the Oxford Union. Wounded in action during the Suez crisis, he risked jail to publish his account; he went on to become deputy editor of *The Observer* and as a result of a mistimed coup found a niche on *The Times* as obituaries editor.

Indeed a draft of the Howard obituary on *The Times* chief proprietor Rupert Murdoch may provide yeast for a final obituary in that newspaper if it does not go to the wreckers before the perdurable Murdoch does.

The Hughes archive includes his Fee Books and these appear at odds with the principle that barristers do not engage in trade. Mining the archive, Hancock is generous in his mentions of journalists including Ita Buttrose, Mungo MacCallum, Max Suich, Sandra Hall, Andrew Clark, Errol Simper and Evan Whitton.

Your reviewer rates a mention only because Whitton gave him employment on *The National Times*. With it in 1980 came an assignment to examine the pay rates of barristers. Result: publication of a piece which cited earlier research by a younger journalist in need of a boost, Malcolm Turnbull, and included the revelation that the Hughes top fee was $3000 *per diem*, a sum that the Fee Books show he surpassed.



The Whitton reference is perhaps more relevant since it turns on a who-said-what during an episode of the Lionel Murphy saga. Hancock records Whitton reporting that Hughes QC had given him a 'birching'.

Hancock might also have recorded that Whitton favours the inquisitorial legal system Pope Innocent III devised in the 13th century (and Napoleon codified) as distinct from the English Common Law adversarial system that evolved and begot the likes of Lord Herschel (1837-1899) twice Lord Chancellor who in 1894 devised a rule that conceals evidence of criminal behaviour patterns (see Evan Whitton's 'The Law's First XI – for Good or Ill,' *Annals Australasia* March 2015).

In the longer (eternal?) term perhaps Sandra Hall's contribution about Hughes QC's meeting with Father Emmet Costello S.J. warrants full quotation as an example of the Hancock style:

> 'Costello contacted "Mr Hughes" after reading Sandra Hall's article in *The Australian Magazine* of July 1993 where Tom explained that the Pope's Encyclical on birth control "accelerated" his departure from the Church. Costello sought to reassure him. Paul VI had not designated contraception a mortal sin and had made it clear that that the document was NOT infallible. Besides, about 90 per cent of Catholics ignored it and "many top theologians" thought the Encyclical had undermined papal authority. Costello plied Hughes with books and articles, including some of his own writings. At the end of 1994, Tom launched Costello's book, *Saints, Popular and Relevant,* referring to the author as "my dear friend". He later told a Jesuit gathering that Costello's "wise advocacy led me back to a path I should never have left".'

Hancock adds that while forever grateful to Costello, Hughes later

felt uncomfortable with Costello's persistent criticism of Pope Benedict XVI and of the Australian hierarchy.

Surprising to read that Hughes considered *Humane Vitae* infallible. Moot perhaps. Equivalently surprising to read his views on pre-marital sexual relations. Common Law barristers so strong in their defence of their *métier* should surely offer a little mutual respect to the expertise of moral theologians, speaking in the tradition of the Catholic Church that prepared the clerical ground for that *métier*.

Not debatable the extent to which Catholics who ignored *Humane Vitae* contributed to the old-young imbalance that inflicts the world so severely that China recently rescinded its beyond Draconian one-child policy while paradoxically showing regard for the natural BOM, the Billings Ovulation Method named after the Australians Evelyn and John Billings.

Hancock mentions short autobiographical pieces in the archive. It is no derogation of his work, to wonder how Hughes himself would have tackled a full-on autobiography.

Possibly it would have been shorter; the Hughes letter of application for a Rhodes Scholarship ran to only seven paragraphs lengthened on receipt of a paternal advisory about the wisdom of 'line-shooting' (R.A.F. slang for *boasting*) but too late to prevent a rare failure.

Excerpts from the Hughes diaries suggest that a numbered facsimile edition would do well. But in an autobiographical account Hughes would surely include the key quotation Hancock cites.

> 'I owe a great deal to the Jesuits for the stamp with which they mark people by their educational system. Looking back on my years at Riverview, I can think of it best as a sort of junior university. If you were keen on your work, your scholastic work, and were prepared to work hard they left you to a considerable extent to your own devices to pursue your own scholastic interests.'

No Bible without the Catholic Church

WHAT is any man who has been in the real outer world, for instance, to make of the everlasting cry that Catholic traditions are condemned by the Bible? It indicates a jumble of topsy-turvy tests and tail-foremost arguments, of which I never could at any time see the sense. The ordinary sensible sceptic or pagan is standing in the street (in the supreme character of the man in the street) and he sees a procession go by of the priests of some strange cult, carrying their object of worship under a canopy, some of them wearing high head-dresses and carrying symbolical staffs, others carrying scrolls and sacred records, others carrying sacred images and lighted candles before them, others sacred relics in caskets or cases, and so on. I can understand the spectator saying, "This is all hocus-pocus"; I can even understand him, in moments of irritation, breaking up the procession, throwing down the images, tearing up the scrolls, dancing on the priests and anything else that might express that general view. I can understand his saying, "Your croziers are bosh, your candles are bosh, your statues and scrolls and relics and all the rest of it are bosh." But in what conceivable frame of mind does he rush in to select one particular scroll of the scriptures of this one particular group (a scroll which had always belonged to them and been a part of their hocus-pocus, if it was hocus-pocus); why in the world should the man in the street say that one particular scroll was not bosh, but was the one and only truth by which all the other things were to be condemned? Why should it not be as superstitious to worship the scrolls as the statues, of that one particular procession? Why should it not be as reasonable to preserve the statues as the scrolls, by the tenets of that particular creed? To say to the priests, "Your statues and scrolls are condemned by our common sense," is sensible. To say, "Your statues are condemned by your scrolls, and we are going to worship one part of your procession and wreck the rest," is not sensible from any standpoint, least of all that of the man in the street.

– G. K. Chesterton, *The Catholic Church and Conversion,* 1926.

Hancock's sub-title *A Cab on the Rank* is judicious for he makes it clear that the other version *First cab off the rank* does not always apply; he relates how Hughes raised his fee to deter an unwanted client.

Towards the end of his work, Hancock understandably gasps into a list of Hughes QC's more celebrated cases so that it becomes less of a narrative than *aide memoire* for a second volume, an appropriate outcome especially if it ponders the question of whether Hughes QC would have been more successful as an Attorney General in the Senate rather than the House of Representatives.

The name Hughes is of Irish and Welsh derivation, and means 'fire' or 'inspiration'. Given the Hughes papal loyalty and his appreciation of his Jesuit education, it may not be too much to imagine him thinking of another war veteran, Ignatius of Loyola, setting up a society that led a true reformation.

He could imitate Loyola and found a Society of Advocates, dedicated to Pope Innocent III/ Code Napoleon's inquisitorial legal system, his *vade mecum* might well be Evan Whitton's *Our Corrupt Legal System,* scheduled for publication by China's *Fangzen Press.*

James Murray is a Glasgow-born Catholic. A Sydney-based writer his career includes ten years in Fleet Street, and contributions to Australia's major publications. He writes *Annals* film reviews, and is the author of our ever-popular *Media Matters.*