

TRIBUTE

**SIR ZELMAN COWEN**

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**Professor Zelman Cowen while Dean of the Faculty of Law**

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In this issue the Melbourne University Law Review Association pays tribute to Sir Zelman Cowen AK GCMG GCVO QC, former Governor-General of Australia, who in 1957, while Dean of the Faculty of Law at the University of Melbourne, was instrumental in the establishment of the Association.

The *Review*'s precursors were *The Summons*, 'A Magazine of Legal and General Literature' first published in 1891, and *Res Judicatae*, first published in 1935. *Res Judicatae* was styled as a 'magazine', but 'the quality of many of its articles ... justified its being seen as a learned journal.'<sup>1</sup> It published pieces by distinguished legal figures and attracted talented student editors, and was the first and leading student-run scholarly journal in Australia. *Res Judicatae* was to become the *Melbourne University Law Review* in the 1950s, a time of great change both in Australian legal education and at the Melbourne Law School, which underwent a substantial expansion in size and reputation.<sup>2</sup>

Professor Zelman Cowen was appointed Dean of the Faculty of Law in 1951, and subsequently spent time in the United States, including as a visiting professor at Harvard Law School in 1953–54.<sup>3</sup> He was influenced by the intellectual environment of American law schools, including their student-run law journals, and on his return to Melbourne he and others introduced 'teaching experiments [and] curriculum changes and reorganisation'.<sup>4</sup> His deanship was characterised by a willingness to embrace positive aspects of United States legal education.<sup>5</sup>

The establishment of the Melbourne University Law Review Association in 1957, sponsored by Professor Cowen and colleagues, was one demonstration of this willingness. The *Melbourne University Law Review*, published by the Association, replaced *Res Judicatae*. Student members of the Association were selected on the basis of academic merit, in line with the prevailing American practice.

The *Review* was an immediate success: its first volume included articles by Sir Wilfred Fullagar (at that time a Justice of the High Court), Professor Zelman Cowen and Professor Geoffrey Sawer, and a book review by the former Chief Justice of the High Court, Sir John Latham. It attracted high praise from the outset,<sup>6</sup> and in the ensuing years forged a reputation as one of Australia's premier law journals, publishing pieces of the highest quality and serving as an important outlet for legal debate. There have been changes to its operations: for example, recruitment is now overseen by the Editors, without faculty involvement, and volumes are significantly longer. The praise has continued, though, and the

<sup>1</sup> Harold A J Ford, 'Re-Creating Australian Legal Education' in Charles Sampford and Carol-Anne Bois (eds), *Sir Zelman Cowen: A Life in the Law* (Prospect Media, 1997) 62, 65 n 9. As an example, Ford notes the citation of T P Fry, 'Land Tenures in Australian Law' (1947) 3 *Res Judicatae* 158 by the majority of the High Court in *Wik Peoples v Queensland* (1996) 187 CLR 1.

<sup>2</sup> See generally *ibid*; Sir Zelman Cowen, *A Public Life: The Memoirs of Zelman Cowen* (Miegunyah Press, 2006) ch 7.

<sup>3</sup> Cowen, above n 2, 186–92.

<sup>4</sup> *Ibid* 226.

<sup>5</sup> See Ford, above n 1, 71–5; Charles Sampford, 'Academy and Practice' in Charles Sampford and Carol-Anne Bois (eds), *Sir Zelman Cowen: A Life in the Law* (Prospect Media, 1997) 150, 156–7.

<sup>6</sup> For example, Lord Denning, in a 1957 letter, wrote that 'I am afraid that I have no time to write an article for your *Law Review* — I am so very sorry — for I know what a good review it is, having seen it before': Letter from Lord Denning to R C Tadjell, 1 September 1957.

*Review* today, as it has always done, attracts eminent contributors and talented student editors.

The exposure to exceptional legal scholarship that the *Review* provides is of great benefit to its members, and the commitment of its members to the accuracy of the pieces they edit is in turn of great benefit to the *Review* and its authors. Generations of law students at the University of Melbourne have gained valuable skills and made lifelong friends through their involvement with the *Review*. Many former members recall their time on the *Review* as a highlight of their university days.

Sir Zelman retained a keen interest in the *Review*. He often attended the *Review*'s Annual Dinner with Lady Cowen, including in 2009, at the age of 90. No doubt members who had the opportunity to meet Sir Zelman over the years were moved to consider that the rare opportunity to be involved in a student-run academic journal of such high repute was for them due in large part to his vision. On behalf of the members of the Melbourne University Law Review Association, past and present, we pay tribute to Sir Zelman Cowen's extraordinary life, and thank him for his contribution to the *Melbourne University Law Review*.

*David Foster, Timothy Lau and Julia Wang*  
Editors

