

The Sir Robert Garran Oration

Sir Robert Garran and Leadership in Public Service

Delivered by Mr Harry F. E. Whitlam LLB — Former Crown Solicitor of the Commonwealth of Australia — at the 1959 National Conference of the Australian Regional Groups, Royal Institute of Public Administration held in Canberra on 5 November 1959.

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Foreword

Wishing to honour the memory of the first, and one of the greatest, of the Australian Commonwealth's public servants, Sir Robert Garran, G.C.M.G., Q.C. (1867–1957), the Australian Capital Territory Group of the Royal Institute of Public Administration decided in 1959 to establish The Sir Robert Garran Oration.

Garran was secretary to the Leader of the Federation Movement and of the Federal Convention of 1897–8, Sir Edmund Barton, and secretary to the Drafting Committee of that Convention. He published in 1897 what he himself described as 'a little book with the prophetic title *The Coming Commonwealth* and in 1901 he and Sir John Quick published their monumental *Annotated Constitution of the Commonwealth of Australia*.

Meanwhile, upon the inauguration of the Commonwealth on 1 January 1901, Garran became Secretary (i.e. Permanent Head) of the Attorney-General's Department and Parliamentary Draftsman. Alfred Deakin was his first Ministerial chief and together they set about laying the statutory basis of Federal government. From 1917, Garran also bore the title of Solicitor-General of the Commonwealth. During the first World War he was especially close to W. M. Hughes, who was, first, Attorney-General and then Prime Minister. Garran accompanied him to Britain towards the end of the War and thence to the Peace Conference in Paris in 1919. His long and distinguished career as head of the Attorney-General's Department closed with his retirement in 1932.

For another quarter of a century, however, Garran filled many offices, both governmental and non-official, to the enrichment of Australian life. He was one of the founders of the University College and of the Australian National University and of many community organizations in Canberra. He was a classical scholar as well as a master of several modern languages and he was a keen musician. He published volumes of translations of the songs of Heine, Schubert and Schumann. Finally, at the age of 89, this lovable and unassuming Federal veteran completed his volume of memoirs, *Prosper the Commonwealth*, which appeared posthumously in 1958.

When, in 1959, the Council of the A.C.T. Group of the Royal Institute of Public Administration established an annual Sir Robert Garran Oration, it decided to associate its delivery with the meetings of the Federal Conference of the Australian Groups of that Institute, at least whenever it meets in Canberra.

On Thursday, 5 November 1959, in association with the Second Federal Conference then being held in the National Capital, the inaugural Oration was delivered by Harry Frederick Ernest Whitlam, formerly Crown Solicitor of the Commonwealth. G. G. Sutcliffe, Esq., C.B.E., Senior Vice-President of the Group, presided and at the conclusion of the Oration a vote of thanks was moved by the Solicitor-General of the Commonwealth, Sir Kenneth Bailey.

Mr Whitlam joined the Victorian State Public Service in 1901. He transferred to the Commonwealth Public Service in 1911 and became a member of the Commonwealth Crown Solicitor's Office in 1913, thus coming under Sir Robert Garran's leadership for the following twenty years. In 1936, Mr Whitlam became Commonwealth Crown Solicitor and held that high office until his retirement from the Commonwealth Public Service in 1948. Meanwhile, his long interest in international relations led to a close concern with the development of the United Nations Organization. Following in Sir Robert Garran's footsteps, he was one of the Australian delegation to the Paris Peace Conference of 1946. Subsequently, through several years of his 'retirement', the Commonwealth Government has been happy and fortunate to have his services as Australian Representative on the United Nations Commission on Human Rights.

Mr Whitlam enjoyed long years of close friendship with Sir Robert Garran in and out of the legal service of the Commonwealth. He shared with him a deep concern for the strengthening of international understanding, institutions and law and the promotion of world peace. They had in common an abiding, scholarly love of humane letters and a high sense of social responsibility and community service. They shared also a very great deal of the secret of life-long youth and of sympathy and understanding for the young in years.

The ACT Group of the Royal Institute of Public Administration counted it a great honour to have Mr Whitlam inaugurate the Garran Oration and counts it an equal privilege to share his address, in print, with an even wider audience than the two hundred Conference delegates from the Public Services of all the States, the Commonwealth and its Territories, together with members of Sir Robert's family and many old friends and colleagues, who heard it delivered in Canberra.

L.F. Crisp
President

9 November 1959

Sir Robert Garran and Leadership in Public Service

The acceptance of an invitation to give this, the first Garran Oration, would appear to require some justification. My only justification is that I am one of the few survivors of those who were members of Sir Robert Garran's professional staff — his colleagues as he regarded us — when he was Solicitor-General of the Commonwealth and Secretary of the Department of the Attorney-General. It is just on forty years since I, as Deputy Commonwealth Crown Solicitor in Sydney, became locally responsible for that section of his administration with consequent intimacy of personal association, and my association with him continued in Canberra until his retirement from office in 1932; from then on, I had the good fortune to be closely associated with him in some of his educational and cultural activities. It was an exhilarating experience, for to me he was always more than a high official, more than a skilled Parliamentary Draftsman, more than an erudite constitutional lawyer, more than figure of social importance; to me, as to others, he was a person of remarkable distinction. The realization of this caused me to reflect constantly on the significance of Sir Robert's place in public administration, and those reflections have been quickened by the publication of his story under the title, *Prosper the Commonwealth*. I propose to share with you some of these reflections.

I have said that he was a person of remarkable distinction, and that calls for some elaboration. No one can question his eminence as a constitutional lawyer; the respect that was to him by bench and bar during his service as Solicitor-General was profound; I can attest that from my own experience in Sydney. As a permanent head it was a real satisfaction and a pleasure to discuss a problem with him. In the less complex matters, so long as one was thoroughly prepared with the ascertainable facts, and was able to present them concisely and in their proper relation and proportion and indicate the contingencies — and this was what he would expect — his conclusion was unhesitating and decisive. In the more complex matters, where principles were involved which required discussion, the discussion was free, subject only, of course, to the limits of relevance; there was, on his part, no restriction to orthodoxies or conventional thinking but a hospitality to all ideas that might have a bearing on the problem in hand, an enlightened weighing of the pros and cons, and a firm choice of the course to be pursued. Never could it be said of him that he was legalistic in his views in the sense of being ultra-formal, ultra-logical, or narrow in conception or construction. Such discussions did not result in imposed decisions; rather, they were the confident movement of thought under instinctive and sympathetic leadership to reasoned conclusions, acceptable to all engage in the discussions.

I could go on to say something of other distinctive qualities of Sir Robert: his knowledge of languages, his love of music, his literary skill, his intellectual interests, his leadership in University education, and other cultural activities, and his activities in the international field. But Sir Kenneth Bailey's fine sensitive appreciation in the

*Australian Quarterly*¹ and Sir Robert's own story² tell of all these in terms that I would only weaken were I to attempt to speak of them in my own words. To those who would wish to understand in fuller measure of what his life was compounded and how he found fulfilment in that life, I commend these two very engaging writings. They will go a long way to provide the answer. Nevertheless, I shall permit myself some few quotations during the course of this address so as to give point to what I wish to say.

This brief tribute, however, would be wanting in a vital respect were mention not made of qualities which Sir Kenneth Bailey has admirably described in the following words:³

'Garran was an outstanding example of the qualities that a classical education is said especially to inculcate — a sense of proportion and moderation, a capacity for enthusiasm without fanaticism, for fellowship without loss of dignity and reserve...'

Such, then, was the character of the leadership of this permanent head, leadership that was unauthoritarian, just, kindly, yet pervasive and gently commanding, a leadership of ability and worth. It is this compound of qualities that constituted that distinction on which I have remarked. The ancient Greeks had a name for such a compound of qualities, a name which is effectively rendered in English by the word 'excellence. And as the Australian-born Gilbert Murray, when Professor of Greek at Oxford, used to remind us,⁴ Excellence was one of those lights of civilization that ancient Greece held in her finest period, through calm and storm, and which has been a light to all succeeding generations. Lest it be thought that, admirable as these sentiments may be, I am speaking in impractical terms, in terms that perhaps are appropriate to the cloister or the seminary but remote from the hard practical realities of public administration, may I add this — for the whole of the prior of his service with the Commonwealth, a permanent head from start to finish, primacy was universally conceded to Sir Robert Garran by Ministries, by Parliamentarians and by the Public Service. He ended as he began, first in the Public Service of the Commonwealth, and that during the most critical and the most creative period in the life of the Commonwealth; that is a record that speaks for itself and attests that he compassed the hard practical realities and compassed them nobly.

Pausing here, let us glance backwards to the origins of the Institute of Public Administration in the United Kingdom, the mother of all such Institutes. The year is 1923, and there is hardly need to recall to such a gathering as this that the first President was the Rt Hon. Viscount Haldane, Richard Burdon Haldane, O.M., LL.D., D.C.L., one of the great statesmen and jurists of his time, and of the most discerning and articulate members of the Judicial Committee of the Privy Council. What I do want to recall to you are some passages from his inaugural address as President.⁵ 'What does an ideal Civil Service demand?'⁶ he asks. Then he goes on to give the answer 'Its function is to provide the permanent element to which the Ministers responsible for the departments can turn for advice and to carry into effect the policy so settled. It provided the factors necessary for continuity in administration by Cabinets which change periodically. It is obvious that it is of the greatest importance to the well-being of the State that the organization of the Civil Service should be of the highest excellence attainable. Economy, by the avoidance of overlapping and waste, depends on it. Efficiency will be proportioned to its knowledge, its moral qualities and its general excellence. These qualities must therefore be sought after in the first instance and the civil servants must keep them set before their eyes.' In a later passage he refers to a situation which is quite common in public service in Australia, that is, advanced education by private study, and he says:⁷ '... men and women can do much to develop their own minds by private study, if dominated by what is indispensable, the passion for excellence.' Those then, are the ideals that Lord Haldane commended to the Civil

¹ Sir Kenneth Bailey: 'Sir Robert Garran': *Australian Quarterly*, March 1957.

² Sir Robert Garran: 'Prosper the Commonwealth': Sydney, 1958.

³ *Op. cit.*, p. 14.

⁴ Sir Gilbert Murray: 'The Value of Greece to the Future of the World' in *Legacy of Greece* (London, 1921).

⁵ Viscount Haldane: 'An Organised Civil Service': *Public Administration* (London), vol. I, 1923.

⁶ *Ibid.*, p. 9.

⁷ *Ibid.*, p. 16.

Service of his day — the passion for excellence; efficiency in the civil service will be proportioned to its knowledge, its moral qualities and its general excellence. His final point was that, 'it is not only by rendering highly skilled service to the public in dealing with administrative problems and questions, even of policy, that the civil servant of the future may serve the public. The Civil Service, if itself highly educated, may become one of the greatest educative influences in the general community. It may set a high example and may teach lessons which will have far-reaching influence. I believe that in its own interests, not less than in those of the State, it is well that it act this ideal before itself of one which is of immense practical importance in its tendency to raise the standards in business and in life generally of those with whom it will have to be dealing constantly... If a new influence in this direction can become operative on the large scale which is at least possible for the Civil Service it will tend to maintain the high position of this nation among other nations, and to strengthen the position of the Civil Service itself. Must we not acknowledge that these observations are just as relevant to our own day and to our own situation? It is because I believe that we must do so that I turn now to consider whether the Public Services of Australia should not, consciously and purposefully, accept a responsibility for (to adopt the words of Lord Haldane) maintaining the high position of this nation among other nations, and also to consider what the nature of that responsibility should be.

For this purpose I propose to concentrate on the nations of South Asia and South-East Asia, for it is there that Australia's encounter with destiny is at its sharpest, its most critical, its most challenging. But the encounter could, if we are properly arrayed, issue in success beyond our present imaginings, success that would be mutual for us and our neighbour nations in this region. And there is nothing curious or mysterious about how we should be arrayed for this encounter; we know in our hearts that, given competence, what we need are the simple virtues of understanding and goodwill. And we also know that the success we seek is peace, abiding peace, peace that is dynamic and creative. As Sir Robert has reminded us:⁸ '...the only firm foundation for peace ... is goodwill and there is only one road to goodwill — through mutual understanding... Understanding between peoples is the first thing to work for; and it must be worked for, it doesn't just come of itself. Understanding, even between close friends, is not always easy to reach; how much harder between peoples of different race, language, history, way of life ... Hard, but not impossible — unless in the sense meant by the General who said: "If a thing is difficult, it can be done at once; if impossible, it may take longer".

Fortunately for us, a bridge has been built between us and these other nations — peoples or societies as I prefer to regard them — by which active understanding can be developed. I mean the Colombo Plan which originated in 1950 and is of growing importance for our society and theirs. It is of interest to note that under the Colombo Plan, as at 30 September 1959,⁹ the 'Experts' provided by Australia numbered three hundred and thirty and these were provided for sixteen different countries — Brunei, Burma, Cambodia, Ceylon, India, Indonesia, Laos, Malaya, North Borneo, Pakistan, Philippines, Sarawak, Singapore, Thailand and Viet Nam. In addition, during the same period, Australia sent forty-five 'Advisers' to Colombo Plan countries. The main feature of Australia's contribution under the Colombo Plan has been the provision of awards for training in Australia;¹⁰ to 30 June 1959, two thousand six hundred and forty-five awards had been provided. The main fields of study included engineering, education, public administration, nursing, agriculture, medicine and health; it is to be noted that the number of awards for public administration was two hundred and sixty-two. Outside the Colombo Plan there are occasional engagements of individual Australians by Governments in this region. While the number of persons involved cannot be said to be very large, it is at any rate considerable, and although administrators, specifically as such are not provided — indeed, naturally enough are not asked for — still the experts who are provided are necessarily committed to some administrative tasks and have to deal with local administrators. Moreover, at the Australian end, administrators have responsibilities regarding students from other countries studying in Australia, and in some measure have direct contacts with them as in the field of public administration. So that to public administrators in Australia the working of the Colombo Plan is, or should be, a matter of high concern.

⁸ Sir Robert Garran, *op. cit.*, p. 409.

⁹ From information supplied by the Department of External Affairs.

¹⁰ *Ibid.*

Within the limits of our theme, a major step in the endeavour to reach real understanding with our neighbours is for us to try to understand their political and governmental problems. And, at the outset, it is well to bear in mind what is almost a trite warning today that we of the so-called West should not judge events in Asia solely by the criteria of Western parliamentary democracy.¹¹ These problems have had the attention of one of the well-informed and experienced team of writers on the (London) *Observer*, William Clark, who, in a recent issue, refers to the weakening of the system of parliamentary democracy in Asia.¹² He points to the fact that while India has remained a functioning democracy, there are tremendous difficulties in the way of adapting ex-colonial Asian societies to a form of government which, as he says, is alien, untraditional and complicated. In his perceptive article, this writer summarizes these difficulties, and I propose to quote him at some length, for every word is important:

'The first difficulty is that of obedience; why should powerful organisations — such as the army — obey a group of politicians who have no claim to traditional loyalty and rarely command the respect of the populace? The answer of course is that they do not... The second major problem is how to establish the tradition of accepting a real and active opposition, which in turn accepts the rules of the parliamentary game...

'We, in the well-established democracies are quite used to having occasional incompetent Governments, but we rely on a competent Civil Service to act as long-stop. In the new democracies the Civil Services are all desperately short of men to fill those top posts which used to be the preserve of the colonial power; yet at the same time every one of these countries is trying to carry out an industrial revolution by means of State planning — that is, through the Civil Service.'

The writer goes on to say that 'perhaps the... lesson... is that economic progress is more important to underdeveloped countries than democracy. Parliamentary forms must prove efficient or perish.'

In line with this order of thinking are the observations of a writer who has travelled widely in Asia and recently revisited India, China and Japan. These appeared in a recent issue of *The Listener*¹³ (the journal of the B.B.C.) and I quote again at some length. He is addressing himself to the problem of Western aid to underdeveloped countries, and he points to what he considers to be heart of the problem and says this:

'Wishing to advance and preferably at a rapid rate, an underdeveloped country inevitably faces a choice of evils — particularly a large and over-populated nation such as India. In a small and sparsely-populated country, external aid may play a decisive role. But the same amount of aid dispersed over tens of millions of inhabitants means only an insignificant amount per head of the population. It is first of all in the large, over-populated countries that problems of development are especially complicated and urgent. In such cases only a large-scale indigenous effort can provide the impulse in progress. But such an effort — implying the massive investment of labour in constructive projects — would inevitably involve a great deal of suffering. In a situation of that kind, external aid could not hope to be more than a mere anaesthetic rendering the operation a little less painful.

'Against such a background, the encouragement of unadulterated democracy in an underdeveloped country — with all its freedoms, elections, and parliaments — has the paradoxical effect of tending to obstruct progress. It introduces a political mechanism which usually works too slowly for the economic needs of the situation.

'This is not to say that we ought to encourage authoritarian regimes under any conditions. But it does mean that the West ought to show its sympathy with every effort towards progress, particularly when that effort also tries to adapt the democratic mechanism to the sociological, geographical and climatic

¹¹ See *The Anglican* (Sydney), October 1959: Report from London on an article by Canon Max Warren, General Secretary of the Church Missionary Society, in the *C.M.S. Newsletter*.

¹² William Clark: 'Democracy Exported': *The Observer* (London), 9 August 1959.

¹³ Tibor Mende: 'Challenge to the West': *The Listener* (London), 20 August 1959 (Mende is the author of 'Conversations with Mr Nehru', etc.).

realities in which it has to work. As long as a government does not offend against common humanity by unnecessarily harsh dealings with its citizens, we ought not to indulge our missionary zeal by insisting on the copying of our own political systems. A working partnership even with a system alien to our own, if it produces desirable results, will gain us more sympathy than the advocacy of the noblest but perhaps unrealizable ideals.'

Now that appraisal may be unwelcome; it suggests an attitude which seems to involve depreciation of our democratic ideals with some possible hurt to our national interests. The writer is aware of that, but he argues that 'we have only a few years to act'. As he goes on to say, 'masses of the human race are on the march; and they would still prefer to advance in our company rather than in spite of us or against us'. Though it may be unwelcome, that is a realistic appraisal, and if we ignore it we do so at our peril. It is an element with which we must reckon in seeking understanding with our neighbours.

However, we cannot rest content with such a situation. If we believe, as I am confident that we do, that parliamentary democracy provides the best political system for the ordering of a humane organized community life, then we should still cherish the long-term view that, as India has done, all of our neighbours will, in due time, deliberately choose it for themselves and strive to make it effective. But that will only come about by the force of example on the part of the West, including ourselves, and by spontaneous acceptance on their part. It will not come about by dealing in abstractions. The real question, in this context, is — what do we stand for?

This has been the real test of the enduring worth of the Imperial systems which are part of our heritage, those of Britain and Rome. The predominant feature of British Imperialism was the development of the rule of law, implicit in which is the acceptance of human values — an independent judiciary, obedience to the laws, equality before the law, observance of legal methods and procedures, assurance that justice will be done, and, at its highest point of development, the growth of a general social disposition that ensures that justice shall not only be done but shall manifestly and undoubtedly be seen to be done. It is doubtful, however, whether the English system of law, notwithstanding its strong Anglo-Saxon content, could have Rome's achievement in jurisprudence. Of this it has been said by a brilliant scholar of Balliol College and distinguished lawyer and statesman, the Rt. Hon. Herbert Henry Asquith, Prime Minister of Great Britain 1908–16, and later the Earl of Oxford and Asquith:¹⁴ '(Roman Law) was the domain in which Rome showed constructive genius. She founded, developed and systematized the jurisprudence of the world.' This is, of course, not all that Britain and Rome stood for in their relations with other peoples, but it is something of the profoundest importance in that it has entered into, and endured in, the lives of other peoples. And it is pertinent to observe that it was initially introduced, and then accepted and absorbed, through the agency of rulers and administrators of distinction, men of ability and worth. Behind Rome was Greece, and Professor Gilbert Murray used to speak of the Greeks as our 'spiritual ancestors';¹⁵ he commended to our interest and study what they stood for — individual life founded on freedom, reason, beauty, excellence and the pursuit of truth, and international life aiming at fellowship between man and man. The Greeks of Athens of the fifth century B.C. were very conscious of what they stood for and they were confident and justly proud that what they stood for had, as they said, been 'woven into the stuff of other men's lives'.¹⁶ The empires of Athens and Rome have passed and the British Empire is merging into a Commonwealth of Nations. Imperialism is no longer the language of civilization, but the dominion that was exercised in each has left some legacy of good, a good that, despite memories of the colonial past, has been woven into the stuff of other men's lives.

With this as an inheritance from Europe and Britain, let us go on to consider other aspects of our need for understanding. Charles Gamba, an Australian who has been for several years Lecturer in Economics at the University of Malaya, Singapore, in a very thoughtful article in the *Australian Quarterly* of September 1958,¹⁷ addressed himself to the question: What is it that we need to know most about Asia? To this, his reply (in brief) is: The psychological reactions of the Asian mind to present Western policies and attitudes to Asia. Then he goes on

¹⁴ Introductory Essay, *The Legacy of Rome* (London, 1923).

¹⁵ Sir Gilbert Murray, *op. cit.*

¹⁶ Pericles' speech (translated by Zimmern) in the chapter on Thucydides in *The Pageant of Greece* (London, 1923).

¹⁷ Charles Gamba: 'Some Thoughts on Australian-Asian Understanding'.

to say: 'It would seem obvious that many of the difficulties preventing greater co-operation and understanding between Asia and the West have little to do with material problems, and much with our lack of knowledge of Asian ways of life, Asian yearnings and hopes, of Asian human background to history and culture, and of Asian psychological complexes. On the other hand, the West has still more explaining to do about its own true way of life and thought, . . . ' The article is a development of a thesis; it is penetrating and stimulating, and I should like to bring before you the points which the author makes, but condensation would not do justice to the article. I therefore commend it to your most serious attention.

However, this short review of the need for understanding would not be complete without an important emphasis; I refer to the importance of an awareness of, and a sensibility to, the spiritual forces by which the peoples who are our neighbours are sustained and directed. This has, as might be expected, been realized by Christian Churches throughout the world. Particular concern has been expressed by many of them with respect to the extension of technical and financial assistance to the peoples of underdeveloped regions; this is regarded 'as a challenging issue of social justice and positive peace strategy'.¹⁸ Development in programmes under the Colombo Plan, as well as other regional schemes and the expanded Programme of the United Nations and Specialized Agencies, have been studied by a Commission set up by the World Council of Churches whose headquarters are at Geneva, and consisting of representatives of twenty-seven countries, including Asians and Africans. This Commission has prepared a study on technical assistance programmes in which are set forth a number of requirements for international aid in economic and social development. Amongst these are the following:

- a) A deep concern and respect for the rights and welfare of the people in the underdeveloped regions on the part of assisting agencies and of governments;
- b) A careful selection of technical experts who have moral integrity and spiritual insights as well as technical competence;
- c) A mutual commitment on the part of those assisting and those assisted to persevere with patience and understanding in a long-range development programme.

Pursuing our general train of thought, we have to recognize that the cultivation of goodwill calls for a much closer examination of what it is that we Australians stand for. Mindful of our heritage, we might answer that we are amongst that company of peoples who stand for the rule of law and for the spirit of justice that it engenders, for those freedoms which are the outcome of the struggle of our forebears, such as freedom of the person, freedom of thought, freedom of speech, freedom of assembly, and religious toleration, and for social welfare. We might add that we stand for individuality and social equality. If these are truly features of our society which other societies are prepared to accredit us with, then, in the world of today there is reason to feel that our society is recognizably a responsible society. To go further, it is a fact that we stand for international organization through the United Nations and its specialized agencies and for co-operative economic development and technical co-operation in South and South-East Asia. If, however, we wish to take a growing share in the building of a newer world — and, I submit, it is imperative that we do this, not least in our own neighbourhood — then more is required of us. I can best illustrate what I mean if we turn back to the last great European convulsion prior to the twentieth century, to the French Revolution of the eighteenth century and its aftermath, and their effect on political thinking in Great Britain. Foremost amongst the political thinkers of the time was Edmund Burke, whom I propose to bring into this discussion. On the surface it would appear incongruous to cite Edmund Burke, an admirer and supporter of the oligarchical political system of the eighteenth century, and described by the great historian, Lord Acton, as 'the first of the liberals' who had become 'the first of the conservatives'¹⁹ to throw light on the deeper aspects of twentieth-century democratic society. But I think I am right in claiming that he is generally accepted as one of the giants in political thinking who gave expression to much that is timeless in thought. Indeed, his position as a political thinker continues to excite interest and study, and in one of the most

¹⁸ *Report of the Commission of the Churches on International Affairs for 1958–59* (London, New York and Geneva), chapter v, Section D, on 'Economic and Social Development', pp. 46–7.

¹⁹ Alfred Cobban: *Edmund Burke and the Revolt against the Eighteenth Century* (London, 1929), p. 85.

recent of these,²⁰ Burke is described as one who aspired to unite 'an ability to reform with a disposition to preserve'.²¹ It is with that characterization in mind that I recall to you a famous passage in his *Reflections on the Revolution in France* written in 1790.²² He laments the passing of the age of chivalry. (I abbreviate.) '... The age of chivalry is gone. That of the sophisters, economists and calculators has succeeded; and the glory of Europe is extinguished for ever. Never, never more, shall we behold that... subordination of the heart which kept alive, event in servitude itself, the spirit of an exalted freedom. The unbought grace of life... the nurse of manly sentiment and heroic enterprise is gone...' In parenthesis, it may be remarked that the rather disparaging classification of economists is illustrative of Burke's limitations; he was no more able to foresee the emergence of humane and socially-enlightened economists as of today than he was to foresee the oncoming of parliamentary democracy in its present form, and that he did not foresee.

Burke was, of course, wrong in his view that the glory of Europe was extinguished for ever, that the age of chivalry as understood it was gone, that manly sentiment and heroic enterprise were gone or no longer fostered. Medievalism as such disappeared, and some of the finer things that belonged to medieval society disappeared with it, but the imperishables of human vitality did not disappear; the subordination of the heart to what is fine and good, the unbought grace that gives to life sweetness and light, are with us still. It is here that the something more that is required of us is to be found. Civil and social virtues are marks of a society that is recognizably responsible; spiritual virtues are marks of a society that is great. The late Charles Morgan, gifted novelist and essayist, had something to say on Burke's text.²³ 'We have discovered', he said, 'a different virtue to which the word chivalrous is not altogether misapplied but for which humorous kindness would be, perhaps, a closer name' and 'subordination of the heart' belongs to that principle. He goes on to show that if we care for democracy at all there are elements of life beyond mere utility which must be cherished — that grace, not of the herd but of the soul, quiet, charm, sweetness, light — and which distinguish it from the all too dull and slavish pattern of modern totalitarianism, whether of the Right or of the Left; elements that are of the essence of true democracy and freedom. There is a pregnant sentence in Charles Gamba's article which has a bearing here. He states that the Asian has in many ways lost faith in the West. Then he records what an Asian friend once said to him: 'We resent being poor but can well understand that you (Westerners) cannot do the impossible ... our needs are so tremendous. But ... oh, if we could only trust you!'²⁴ Thus, if our society is to be fully equipped for its tasks, it must cultivate these essences; the subordination of the heart that inspires confidence and trust and gives kindness to what we do; the graces of the spirit that give vitality and flavour to what we treasure that is; to our beliefs and our values. In that way, our society may become endued with the spirit of understanding and the spirit of goodwill. That, too, is Excellence.

This brings me to my ultimate point, the attainment of a state of relations between our society and neighbouring societies that will make for settled peace, for fulfilment for us all. What then is the kind of peace to which our society should aspire? I have assumed earlier that the peace we seek should be dynamic and creative. Men of vision down the ages have expressed their aspiration to that end, and with greater fullness and in more vibrant tones. Men of vision today have done the same, and one of these is the zestful writer, Eric Linklater, some of whose plays, 'conversation pieces' as they were styled, were broadcast by the B.B.C. during the earlier part of World War II and attracted wide attention. There was a series of three, in the first of which the theme was whether there was, in the United Nations, sufficient community of interest to warrant the establishment of a rule of world-wide law; the answer was that, given the vision, given the courage, it could be done. In the second conversation, the question was whether the people of Britain were capable of serving the new world for which the war was being fought, of writing with honour a new chapter of history, and the answer was 'yes'. The third and

²⁰ P.J. Stanlis: *Edmund Bourke and Natural Law* (Ann Arbor, U.S.A., 1958).

²¹ *Ibid.*, p. viii (foreword by Russell Kirk).

²² Edmund Burke: *Works* (World's Classics), vol. iv, p. 83.

²³ Charles Morgan: 'La Douceur de Vivre', in *Reflections in a Mirror* (London, 1944).

²⁴ Charles Gamba: *op. cit.*, p. 29.

most notable of the conversations is entitled *Socrates Asks Why*,²⁵ and we shall look at this more closely; it was broadcast in October 1942. In this it is sought to show that the establishment of the rule of law is not sufficient of itself to build the new world, and that the peace to be won, though within that rule, must be more than a thin or idle peace, mere rest from toil and relapse from war. The scene is a country club in Elysium, and those assembled there are Socrates, the unique philosopher of Athens of the fifth century B.C., Voltaire, the brilliant French dramatist and historian, and Dr Samuel Johnson, the renowned lexicographer and critic, both of the eighteenth century, Abraham Lincoln, the great American statesman of the civil war period, and Ludwig van Beethoven, perhaps entitled to be regarded as the Shakespeare of music, of the late eighteenth and early nineteenth centuries. Conversation turns to the war, its vastness, the millions of men in arms, and the bitter destruction of young life, and inevitably Socrates asks: Why? What are they fighting for? A dialogue on war and peace ensues but without reaching any conclusive result, when Beethoven, who has been sleeping, wakes up. He is told that the others have been talking about war and peace; he approaches the Elysian television set and turns it on, whereupon an orchestral performance is heard of his Seventh Symphony (which, incidentally, was composed in 1812 during the Napoleonic wars and some time after Austria had been defeated and largely dismembered by Napoleon). Beethoven speaks, while the music continues; he says, 'You have been talking about war and the making of peace. Well, that is the peace I made... Do not think peace to be a shallow or a placid thing. It is deep and rich. It is full of movement and joy, of work and laughter and the reaching-out of your hands to God. That is the peace of a living soul...' Lincoln remarks, 'You set too high a standard', to which Beethoven replies, '... If they (the Allies) put all their minds together, will the sum not equal mine in desire, and vision, and determination? That is the creative trinity: desire, and vision, and determination.' I have thought it desirable to give you more than a mere quotation of the final passage, because the whole conversation has meaning and provides a significant setting for what the author seeks to bring home to us. It has meaning, too, in that it is the master musician of Vienna who has the clearer vision, the greater discernment, and who points the way to the philosopher, the historian, the critic (a critic of genius, too), and the statesman. Its primary value for us is that it accents the depth, as well as the richness, of a creative peace and declares the faculties that are vital for its attainment — desire, and vision, and determination. That again is Excellence.

Eric Linklater is a distinguished son of the University of Aberdeen, of which a very distinguished lawyer and statesman was elected rector in 1943 — the Rt. Hon. Sir Stafford Cripps, Ambassador to Soviet Russia, 1940–2; special commissioner to India in 1942 and 1946; member of the War Cabinet, 1942; Minister of Aircraft Production, 1942–5; and from 1945 to 1950 successively, President of the Board of Trade, Minister for Economic Affairs and Chancellor of the Exchequer. In the course of rectorial address delivered in February 1943, he said this:²⁶ 'We approach now one of those rare and great testing times of the power of democracy. Can it... mobilise the longings, the hopes, the desires of the mass of the people to be effective against the interests of reaction and the apathy of war weariness... (The needs of peace) are many; a closer knit and more soundly planned co-operation between the United Nations; a world economy based, not on scarcity and starvation, but on plenty and happiness, and a means of giving the world a degree of effective security in which we can exercise the arts of peace rather than those of war. But over and above all these is the need for higher standards and better living conditions for the common people in every country in the world. Our business is to secure this, first and foremost for our own people. It can be done...' He concluded with these words: 'I throw you a challenge to your spirit of adventure and of patriotism. The meaning of that challenge has nowhere been better expressed than by... the words Eric Linklater in one of his plays puts into the mouth of Beethoven,' then reading the passage I have quoted. The vigour and insight of that thinking must be admitted, and surely we must agree that the needs of peace today are no less than those described by Cripps; would we also agree that the nature and meaning of the challenge are as he sets them forth, and that the challenge can be met by Beethoven's creative trinity — desire, vision and determination, and I would add, by determination that will not stop at the impossible but will surmount it?

²⁵ Eric Linklater: *The Raft and Socrates Asks Why; Two Conversations* (Australian edition, 1943).

²⁶ Sir Stafford Cripps: *Shall the Spell be Broken?* (London, 1943), pp. 14–16.

There is an increasing tendency to describe Government officials collectively as bureaucrats or the bureaucracy, and in a sense that is rather eulogistic, perhaps even, as some of our jurists like to say, in a dyslogistic sense. Possibly for us of the British tradition the stamp of Thomas Carlyle is upon the expression, for he is credited with describing bureaucracy as the Continental nuisance.²⁷ However that may be, the use of the term is indicative of a public consciousness that more and more governmental power is inevitably becoming concentrated in the Public Services, and this at a time when Australia has reached a phase in its development which inescapably brings to it enlarged responsibilities within and without Australia. We would do well to bear in mind that we do not go unobserved by other peoples in how we discharge these responsibilities to our immediate neighbours, but, important as that is, it is one aspect of a wider and more general responsibility which I am here only able to hint at. This wider and more general responsibility springs from the fact that Australians are in possession of a whole continent, one continent out of six, and in an international climate of today are, on that account alone, answerable to the world for what they do, or fail to do, with it. The need to accommodate ourselves to this larger perspective is urgent and I cannot do better than summarize the situation in the words of a skilled observer, a Fellow of the British Memorial Foundation, who spent a year in Australia and has, through the B.B.C., given a series of talks on Australia. This is his summary.²⁸ '...Australia is still a country of 10,000,000 people all working towards their private dreams... What they must become, if only to preserve what they have already, is a country with a single dream. The cycle of human migration begins with loneliness and hardship; then moves through a period of personal comfort and contentment. But in the final phase, obligation and responsibility, not just to one's neighbours but to the world, reasserts itself. This is what is happening in Australia today. They have been entrusted with the development of the sixth continent. Their task now is to prove equal to it.' There the accent is on obligation and responsibility, the obligation and responsibility that attends the carrying out of a trust. And there is no need for me to remind members of this Institute that the answer to the question of whether Australia will prove equal to this obligation and responsibility, or in other words, will fulfil the trust, will largely depend on how the power, authority and influence of the Public Service are brought to bear in relation to these tasks which have to be performed by Australian governments.

It is in this context that the lot of Australia as a nation, if it is to be a worthy one, becomes manifest. Her lot is to continue to share in the task for securing higher standards and better living conditions, not alone for her own people, but for people in every country of the world, and, we would hope, to do this with imagination and zest. The task has special features for us so far as our immediate neighbours are concerned, but that should not 'detract from the larger imperative, the general obligation and responsibility. Indeed, the foundation for that obligation and responsibility was laid when, in the Charter of the United Nations, Australia, in company with other nations reaffirmed her faith in the dignity and worth of the human person and expressed her determination to promote social progress and better standards of life in larger freedom, and later when she subscribed to the Universal Declaration of Human Rights, Article I of which sets forth that all human beings are free and equal in dignity and rights, that they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The task before Australia is honourable, and its efficient discharge would make for a dynamic peace to it all the resources, skills and energy that Australia can command deserve to be committed. The honourable task, however, could become majestic, and infinitely inspiring, and the peace could become creative, deep and rich, and enduring, if there be added what I have termed Excellence, Excellence in all its fullness. This, if we would heed the exhortation of our Founding President, we should keep set before our eyes. To this too, the life and achievement of Sir Robert Garran, his leadership of ability and worth, direct us.

²⁷ *Shorter Oxford English Dictionary*, s.v. 'Bureaucracy'.

²⁸ Christopher Ralling: 'The Task before Australia': *The Listener* (London), 10 September 1959.