
The Brilliant Boy: Doc Evatt and the Great Australian Dissent, by Gideon Haigh. Sydney: Simon and Schuster, 2021, pp. 384, Hardcover RRP \$39.99 ISBN: 9781760856113

David Clune

Honorary Associate, Department of Government and International Relations, University of Sydney.

In death as in life, Herbert Vere Evatt is a controversial figure. He espoused lofty ideals but personally often fell far short of them. Evatt was capable of overarching achievements and parochial pettiness. The fearless defender of human rights had scant regard for those of his colleagues and staff. Evatt championed grand visions of a new and fairer international order through the United Nations, but his achievements in San Francisco were marred by the resentment his subsequent obstreperous behaviour generated. There was a positive side to Evatt—the brilliant polymath, the man of letters, patron of modern art and lover of jazz—but he could also be a devious, disloyal bully. He championed the working class in politics but was an egotistical careerist. On the High Court, Evatt produced some memorable judgements but at other times lapsed into inertia. He was a considerable legal scholar and historian. *Australian Labour Leader*, his biography of WA Holman, remains a classic work, but, like so much else about Evatt, it has its quirky lapses. The admirable side of Evatt has to a large extent been overshadowed by his disastrous term as federal Leader of the Opposition, during which he was instrumental in causing the great Labor split of the 1950s that kept the Party in the wilderness until 1972.

Gideon Haigh aims to restore Evatt's reputation, concentrating mainly on his legal and scholarly career, with the less successful years in federal politics being treated peripherally. He does not gloss over Evatt's failings, but the overall account is favourable, perhaps too much so. Many would, for example, question Haigh's sweeping generalisation that in the 1930s 'no Australian leading the life of the mind was more brilliant, ambitious and ubiquitous' (p. 341).

Haigh uses an unusual narrative technique, weaving his account of Evatt around his role in the legal consequences of the tragic death in 1937 of seven-year-old Max

Chester, the son of poor Jewish-Polish immigrants living in Sydney's eastern suburbs and the 'brilliant boy' of the title. Council workers had dug a deep ditch near Max's home which filled with rainwater. They did not fence it off as a safety precaution. Max was playing nearby, fell in and drowned. His mother Golda, who sighted the body, was understandably traumatised. The Chesters' local State MLA was Abe Landa, whose family were Jewish immigrants from Belfast. Landa was a solicitor and agreed to assist the Chesters. They sued Waverley Council for damages as Golda Chester had suffered severe 'nervous shock' as a result of Council's negligence. The case reached the High Court on appeal in 1939. A majority decided against the Chesters. However, Evatt wrote a forceful, compassionate and compelling dissenting opinion: 'If it did not carry the day, Evatt's dissent in Chester has enjoyed an after-life of critical acclaim' (pp. 291-2). This is Evatt the dissenting voice at his finest. Much of the rest of the book is a conventional biography of Evatt up to his election as a Federal MP in 1940.

A serious difficulty with Haigh's book is that it does not have an index or, more importantly, any references, thus making it impossible to know what sources he bases his account and analysis on. There is a bibliography, though that has problems: the selected list of Evatt's works does not include *The King and his Dominion Governors*, arguably his most significant book, although it is mentioned a number of times in the text.

There are a number of factual errors and questionable statements throughout the book. As an example, Haigh's account of Evatt's appointment as Chief Justice of NSW in 1960 is flawed. As throughout the book, Haigh overestimates the importance of Abe Landa, relying uncritically, it seems, on Landa's own version of events. Landa's claim to 'at least joint authorship' of the idea of appointing Evatt is not supported by any evidence. He was not, as claimed, a 'powerful' figure in the Labor Government. Landa was not the only non-Catholic in the Heffron Cabinet—there were six others. Bill McKell was succeeded by Jim McGirr and not Joe Cahill. Haigh quotes Arthur Calwell's claim, again unsupported by evidence, that Evatt's appointment was a quid pro quo for McKell's appointment as Governor-General. Chifley appointed McKell in 1947 as a statement of national identity. He was in no way doing the NSW ALP a favour—quite the reverse, as McGirr proved to be a disastrous Premier. To claim that 13 years later the Federal Party was able to call in a debt is simply not credible. The reality is that Federal Labor put pressure on NSW Premier Bob Heffron to appoint Evatt, by now an electoral liability, as a way of painlessly removing him. Heffron, always inclined to the path of least resistance, agreed.

In his conclusion, Haigh talks of 'the greatness of a forgotten Australian'. Haigh's positive portrayal of Evatt and his now under-valued early achievements is a useful

corrective. However, in this reviewer's opinion, 'greatness' always narrowly eluded him.