

IN MEMORIAM
ROBERT ORR McGECHAN
1906 - 1954

Professor R.O. McGechan, B.A. (Hons.), LL.B. (Hons.) (Sydney), Professor of Jurisprudence and Constitutional Law and Dean of the Faculty of Law at Victoria University College, met his death in an aircraft accident at Singapore on March 13, 1954. With Mr F.W. Monk, Senior Lecturer in History, who was also killed, he was on his way to Lahore, Pakistan, as a New Zealand delegate to a Commonwealth Relations Conference.

A memorial service was held on the morning of March 17, and in the afternoon public tributes were paid at a memorial ceremony held in the College Library. On March 19 at the Supreme Court, Wellington, there was a large gathering of Judges, members of the legal profession, law students, and representatives of the University, to pay honour to the memory of Professor McGechan.

At the memorial ceremony at the College the Chairman of the College Council (Dr T.D.M. Stout) addressed the gathering as follows:

Our Victoria College community has met together this afternoon to render homage to the memory of two senior members of our teaching staff whom fate has removed from our midst in their very prime of life. Personally they were both very much beloved by their fellows, academically they were distinguished, and as teachers they were highly efficient and most popular with the students. Their loss has made a grievous gap in our staff, and this, only naturally, will be felt particularly in the Faculty of Law, where Professor McGechan had vitalized the teaching and had introduced new methods with the enthusiastic approval and support of all in the Faculty. His high zeal

and administrative capacity will be sadly missed both at the College and in the Senate.

Mr Monk had not been with us so long, but already he had shown the attributes which had made him a Rhodes scholar, one of that select band, and one who had returned to render valuable assistance to his homeland.

I am sure you will all join me in extending our very real sympathy to Mrs McGechan, Mrs Monk and their families.

The Principal of the College, Dr James Williams, said:

In the tragic deaths of Professor McGechan and Mr Monk the College has suffered a grievous loss. For many of us, however, the College loss is overshadowed by our personal and private grief, for McGechan and Monk were our intimate friends and familiar colleagues.

Professor McGechan was appointed towards the end of 1939 to the Law Chair - which had formerly been occupied by Dr R.C. Maclaurin, Sir John Salmond and Professor Adamson. To be chosen as the successor of these men was an honour and a challenge. How well Professor McGechan met the challenge we all know. His fourteen years in the Chair established his reputation both in this country and abroad as a great and devoted teacher of law. He was passionately interested in law teaching in all its aspects: and I do not think I exaggerate when I say that his contributions to the techniques and art of law teaching were greater than those of all his predecessors together.

Professor McGechan's interests and activities extended to many fields beyond the teaching of law. He was a dramatic critic of acuteness and perception. He had an instructed appreciation of music. He was greatly interested in foreign and Commonwealth affairs and frequently broadcast on questions of foreign policy and international relations. These broadcasts were admirable in form and content. He was at the time of his death Dominion President of the Royal Institute of International Affairs. His analytical cast of mind and his training in Constitutional Law gave him a clear view of

institutional organization and development, and this led him to take an active interest in the development of University institutions in this country. His academic colleagues recognized his special talents in this field, and at various times he was appointed by the Professorial Board of the College to represent it on the College Council and on the Academic Board of the University of New Zealand. The Academic Board in its turn elected him one of its representatives on the Senate. The Senate for a number of years appointed him to the Council of Legal Education.

My own association with Professor McGechan goes back to the day in 1939 when he arrived from Sydney to be interviewed for the Chair. Over the years I came to know him intimately, and while we were both members of the Law Faculty we collaborated closely on the Professorial Board, Academic Board, and in committees and conferences to maintain and advance mutual views on legal education and University affairs generally. This association was to me most satisfying, and I came to have the highest respect for McGechan's ability, keenness of mind and pertinacity. He was a good man to go campaigning with.

Professor McGechan's memorial is in his work as a teacher and as a wise and prudent guide and counsellor in University affairs. In his death we have lost a friend and colleague for whom we had come to have the highest regard and esteem and who served the College and the University with single-minded devotion.

Dr Williams then paid tribute to Mr W.F. Monk.

Professor I.D. Campbell spoke as follows:

When Robert McGechan became my colleague in 1940, he had come to take up the post of "Professor of Roman Law, Jurisprudence, Constitutional History, International Law, and Conflict of Laws". The prolixity of this title he could not endure, but it aptly reminds us that he came with a wide range of expert knowledge and with the culture acquired through the liberal arts. For fourteen years, here in his adopted country, he was to give tireless service of the highest order to the College and the University, and the wider community of the world.

It is of his contribution to law and legal education that I wish chiefly to speak. He soon became a vital force in legal education in New Zealand. Against much opposition and doubt he firmly established administrative law in its rightful place in legal training. He pioneered the fundamental change to "case method" law teaching. He campaigned for radical reforms in examining. He was very active on the question of the autonomy of the Colleges and on every other issue that might affect the efficiency of legal training. To his initiative we owe the institution of a combined B.A., LL.B. degree course. To his energy and foresight we must ascribe a score of significant developments here in the Law Faculty of this College - such as the opening of the Law Reading Room last year, and recently the publication of the Victoria University College Law Review. It was through his enthusiasm for projects such as these, and under his leadership, that the fine spirit prevalent among students of the Law Faculty has been maintained. It could not well be otherwise, for he was a man who, writing in an overseas journal of some law schools he had visited and admired, recorded his impressions in these words: "The clearest trait we from abroad carry away is that of an institution - faculty and students alike - alive and full of the glory and value of law and lawyers, where law has captured the intellect and the imagination, and become the life of all."

His devotion to law was but part of his devotion to learning. He found that the best contribution he could make beyond his law teaching - was in university administration, for which he had undoubted gifts. There is, I believe, scarcely an avenue of service in the whole of the University in which he did not cheerfully undertake the burden and responsibility of office.

Although his work as a teacher and as Dean of the Faculty of Law, combined with the administrative responsibilities he accepted in university affairs, left little opportunity for writing and research, essays and articles came from his pen every year. As may be expected, many of them dealt with aspects of legal education, while others related to his special field of substantive law. They include a series of surveys of New Zealand administrative law, covering in all a period of twelve years.

It would be understandable if someone looking over the articles he wrote were to conclude that he was exclusively concerned with legal technique - with professional skill and the refinement of law as a logical system. But though understandable it would be a profound error. He did indeed write upon technical questions, under somewhat formidable titles such as "The Court of Appeal's Own Prior Decision" or "Status and Legislative Inability". But far from falling a slave to form or a victim of narrowness of view he emphasized that the lawyer in his training needs constant reminder that there is a larger world back of the law, which it is imperative he should understand; that the end of law is justice; that the cardinal element in law is purpose. It was with these convictions that he allied himself with others at this College to promote on an entirely new scale a programme of research in law and social sciences, and so readily co-operated with those engaged in allied fields - public administration, history, social work, international affairs. The last mission on which he was engaged was just such a co-operative venture. Emphatically he did not see law in isolation. "Today," he once wrote, "the separation of law and philosophy is at an end." In a characteristic passage describing to law students the new methods he was using he said: "Sometimes it will be useful - often so in Administrative Law - to explore the background, political, economic and social, of the decision and to ask ourselves whether it is a good and sound decision not only for its logic in law but in its justice and in its practical bearing on the lives of twentieth century New Zealanders."

It is a teacher's duty, he maintained, to introduce the young lawyer soon to the idea that law is, as he would say, "made up of competing ethics." He did not want theory divorced from practice. His conception of the essence of legal study was to begin with a concrete case in all its native complexity and see the struggle of competing principle within it. One of the major tasks of law, in his view, was reconciling and integrating human ideals.

His philosophy again becomes apparent when we turn to his writings and radio talks on other themes. In these he appeared always cool, steady, objective, even detached, but he brought his skill, reason, and experience to bear on vital problems. The themes he chose are significant: our

responsibilities for the people in our Island dependencies; discrimination against aliens in New Zealand or Negroes in America; assistance to the peoples of Asia. He supported every co-operative effort that might make the world a better place to live in for us all. He clearly saw that such a course might be justified by self-interest alone, but, he said, "humanity re-inforces self-interest, and we are a humane people."

He believed that law was one vital factor in human welfare. Resolutely and effectively he devoted himself to the law, and, through the law, to his fellow men. It is for this that he will be remembered.

Professor F.L.W. Wood spoke in memory of Mr W.F. Monk, Senior Lecturer in History, who perished in the same disaster. Before doing so he said:

I cannot stand before you this afternoon without reference to Robert McGechan. I speak not with knowledge of law, but with some knowledge of men, and of the way in which the University has been led. As a man, as a colleague and a counsellor he has left a memory which strengthens, as well as the burden of sorrow.

The President of the Students' Association (Mr P.M. McCaw) said:

Today the students of Victoria College join with the assembled gathering in paying tribute to two of the College's most respected servants who died so tragically in the disaster in Singapore a few days ago. The news of their passing came as a great shock to us all, particularly to those who had been privileged to know and to study under them personally. To the students of the College the loss is far greater than that of a lecture-room acquaintance. It is the loss of two respected and personal friends and helpers.

Professor McGechan will be remembered as the pioneer of a new method of teaching and study in the field of law in New Zealand. The approach which he was fostering was both progressive and positive. Its aim was to break away from the old

accepted methods of accepting and memorizing the dogmatic statements of the text book and the lecture room and to replace it by a method whereby students were encouraged to develop a critical approach through analysis of authorities and practical examples. Students, in other words, were to discover the law for themselves, through discussion and criticism among themselves under the guidance of their lecturers.

It is indeed a great pity that Professor McGechan will not witness the full fruits of his work. But the assurance of its ultimate success can be readily seen in the enthusiastic response of his students. The law for them has become something dynamic and real. They have come to appreciate at an early stage in their study something of the scope, the complexity, the importance and the true place of the law in New Zealand. But above all, they have received the true training for the profession which they have chosen to follow.

Students of the Law Faculty in particular, have suffered a great loss in the passing of Professor McGechan. But their loss is also shared by all students of the College. He was at all times willing and eager to help all students in any way he could and was seen on many occasions at student gatherings and functions. He leaves behind him, as a fruit of his work, the magnificent Law Library in the College, for which he was primarily responsible. It will serve as a fitting and permanent memorial to the life and work of Professor McGechan.

[Mr McCaw then referred to the outstanding qualities of Mr Monk.]

Fate has torn from the service of the students of Victoria University College two of their most admired and esteemed friends. They mourn with the College the passing of two brilliant and noble men. That we should lose them at a time when their influence was only beginning to be fully appreciated is not only a great tragedy, but also a loss which will be keenly felt in the years to come. Yet out of the sorrow will emerge a feeling of great pride, however, that we of V.U.C. were privileged to receive the full benefit of their outstanding careers. Though their untimely death has cast a shadow of profound sorrow upon all students of the College, we will remember their influence, which will live to the permanent enrichment of the College.

At the function at the Supreme Court Mr R. Hardie Boys, President of the Wellington District Law Society, said:

We gather here today as members of the Wellington District Law Society and as a body of the law clerks and law students of this District, to pay our tribute to the work of the late Professor Robert Orr McGechan, to tender to those whom his tragic death left bereaved our sincere sympathy, and to express our own deep sense of loss. We meet in the place where we practise our calling as barristers, but it was not the place where he in person demonstrated his work and its worth; rather it is the place for which he equipped and trained a generation of the younger members of the Bar, and to which the present classes of students look as the goal of their endeavour.

On Wednesday, Mr Cunningham, as President of the New Zealand Law Society, and I were privileged to be present at Victoria College when moving and eloquent tributes were paid to the late Professor McGechan by the Principal, the members of the Teaching Staff, and the Students' Association. With all that there was said we fully join; but it is fitting that here, the meeting place on such occasions of both branches of our profession, we should say from our hearts the things that call for expression and recognition.

It is fitting, too, that there should be associated with our ceremony the Law Faculty Club, as representing the student body, from which the future ranks of the profession are immediately recruited. The presence with us of Their Honours the Judges, the Chancellor of the University of New Zealand, and the Principal and members of the Staff of Victoria University College, signifies their desire to join with the profession in a fitting expression of the debt which we owed in life, and of the loss under which we now suffer.

Professor McGechan was admitted to the New South Wales Bar in 1930, and for several years he lectured at the Sydney University Law School. He came to us fourteen years ago upon his appointment at Victoria University College to the Chair of Law in Jurisprudence, Roman Law, Constitutional Law, International Law, and Conflict of Laws. From time to time, and at his death last Saturday, he was Dean of the Faculty of Law here at Victoria.

Professor McGechan was admitted to the New Zealand Bar as the first New South Wales barrister to apply for admission under the reciprocal provisions now in force; and throughout his life in New Zealand he was a member of this Society. From the constituent College in which he taught he went forward to the New Zealand University Senate, and from that body amongst his many activities linked with us again as one of the representatives of the Senate on the Council of Legal Education.

He brought to the Chair of Law a new conception not only of teaching methods but also of the qualities of mind and the academic qualifications needful in every branch of the profession. It does no disrespect to his predecessors to acknowledge fully the change which came over the teaching of law here at the principal Law School of the University of New Zealand; and, although it is true that as a Society we were often in opposition to him on the question of what should be taught and how it should be examined upon, he never wavered from a twofold view that the standard required for the degrees in Law which the University was competent to confer upon its graduates called for a deep understanding of basic principles and a wide culture, and that the standards for admission to practice in the profession should be the same high standards required by the conferring of degrees. Indeed, at any point where his first and dominant view was challenged, he would be prepared to have the profession make a lower and different standard for admission rather than have the University lower its own.

Here, today, we acknowledge not only this unswerving fidelity of his to the aim he set for himself, but more, without receding in any way from our own attitude, we acknowledge the calibre of the man and the degree of training of the graduates whom he fed into the ranks of the profession with the passing of each year. It is the fruit of his labours and the work of his hands which we see in the younger members of the Bar, who, with their fellows still climbing the long path towards qualification, make up so much of the attendance now present.

Although his primary field was the teaching of Constitutional Law and Administrative Law and his emphasis was on the great importance of these departments, his interests and his learning extended into wider fields. To him we owe the initiation of the Victoria College Law Review, and his deep interest in questions of foreign policy and international relations were reflected in the broadcasts he gave upon these topics.

Withal he had a friendly approach to all with whom he came into contact: it was our pleasure as a Council to accept his hospitality and we remember with sadness that only three weeks ago today he shared our hospitality in a function tendered to the latest group of those admitted from his classes to the practice of the profession.

We and the University body on whose Senate he served and Victoria University College in particular will suffer a heavy blow at his tragic death at the height of his great powers; there are many amongst us who will miss him as a personal friend; to Mrs McGechan and her children we offer heartfelt sympathy in their grievous sorrow; and our prayer is that they may be sustained by their knowledge of the sincere feelings which we so imperfectly seek to express.

The loss to Victoria College was a double one. For, in Mr Winston Francis Monk, the University lost a brilliant student and teacher whose work in the History Department of the College made its contact upon not a few undergraduates who later qualified in their law degrees. To Mrs Monk we extend the same word of sympathy and sense of loss as we do to Mrs McGechan.

Gentlemen of the Bar and Members of the Law Faculty Club, any man highly qualified by study and examination for the practice of the law and with a solid grounding in its fundamentals makes, in the eyes of a very commercialised world, a real sacrifice when he chooses an academic career where the material rewards are necessarily less than those which might be attained in professional practice. But as one looks at the life and achievement of a man such as Professor McGechan one realizes that any loss of material

advantages and any foregoing of the ephemeral thrills and passing glory of forensic achievement regarded by so many others as a sacrifice, is in reality a gain; for, long after the deeds and words of a practising barrister have faded from the memory of his contemporaries, the generation whom Professor McGechan taught will remember and pay tribute to the enduring worth of the principles and the knowledge which, as their tutor, he instilled into them.

Konrad Lorenz, in his delightful book "King Solomon's Ring" ends with these words a chapter in which he has been describing how one generation of certain birds appears to pass on to its progeny not merely the traditions of the local colony but even the knowledge of local air currents; he says

How thankful I should be to fate, if I could find but one path which generations after me might be trodden by fellow members of my species. And how infinitely grateful I should be if in my life's work, I could find one small 'up current' which might lift some other scientist to a point from which he could see a little further than I do.

Our tribute to the late Robert Orr McGechan is paid in the confidence that he has found paths of learning in the law which generations after him will tread with gratitude and that thereon they can reach to heights from which to see that little further than men did before.

The Chairman of the Law Faculty Club of Victoria University College, Mr M.F. Dunphy, said that he wished to add the tributes of all law students and of the late Dean's past students to what had already been said on behalf of the Wellington District Law Society. Mr Dunphy continued:

I shall endeavour to describe the man as we knew him, in the knowledge that the more accurately I describe him, the more justly shall I do him honour. He would desire no other epitaph.

As a lecturer he was compelling, demanding high standards, accepting nothing less. He demanded equally of all of us a capacity to think, to discuss, and, if necessary, to argue. To enter his class was to accept these things as a matter of course; and this, I think, is the first and cardinal mark of the lecturer. His methods of study were progressive. Progressive ideas invite criticism, and he accepted his burden of this. It is a high tribute to his single-mindedness in these matters that no criticism caused him to waver from the high standards he set for himself and his students. These were immutable.

His interest in us as students was personal and consuming. He was ever willing to discuss matters which affected us personally in our University lives, and much discussion of this nature was at his instigation. At every opportunity he met with us on a social plane, attending functions which otherwise would not have attracted him, the better to know us all. By this intense interest in our affairs, he gave vitality to every facet of law-student organization welding his faculty together as a unit in a manner which we justifiably and proudly think to be singular.

Professor McGechan's highest aim and vocation was to pattern the law school here on the higher American tradition. The College Law Library and the Law Review, the first issue of which has just been published, will stand as inspired monuments to the ideals he served and the extent to which he approached them in such a short span. He leaves, as a more cherished monument in the minds of us who were privileged to study under him, an indelible impression of his ability, and an acute consciousness of the debt in which we stand. Behind this ability lay a reserve, a personal shyness which must have made more difficult the public life his vocation put upon him.

This was the man we knew - these the characteristics which attracted and commanded our highest esteem. These the accomplishments which will ally themselves in memory with the name of Robert Orr McGechan when we speak of him in the years ahead.