



FOREWORD

*By His Honour
Judge R.W. Grubb,
National President*

Last year, in a letter to the Editor of "The Advertiser", Adelaide's morning daily newspaper, I was astonished to read – "As Mr. Pickwick said, 'The law is, indeed, an ass.' "

Quite apart from my concern for accuracy and the good name of the law, I am convinced that law reform will come only after informed criticism. "The law is an ass" is the most misquoted sentence in the English language. Mr. Charles Dickens (in the 51st chapter of "Oliver Twist" NOT "The Pickwick Papers") had Mr. Bumble utter the progenitor of this memorable phrase after he had been informed by Mr. Brownlow that, as Bumble was present when the trinkets were destroyed by Mrs. Bumble, he was "the more guilty of the two, in the eye of the law; for the law supposes that your wife acts under your direction." This statement of the law in 19th century England was too much for the worthy Beadle. "If the law supposes that", said Mr. Bumble, "the law is an ass – an idiot. If that's the eye of the law, the law is a bachelor; and the worst I wish the law is, that his eye be opened by experience – by experience."

Those of us who are concerned with the law are always concerned to reform the law. Fortunately, at least for the cause of male liberation, the law no longer supposes that a man's wife acts only under his direction. We of the Australian Crime Prevention Council are concerned to remove what we see as not just the motes, but the beams from the eye of the law. There are still things "supposed" by the Legislature which

cry out for reform; the kind of reform only Legislative action can bring about. We point to what we see as some "suppositions" of the law which tend to bolster the popular belief in the law's supposed asininity, if not idiocy. We hope our Legislators will act.

The question of reform of some aspects of our Criminal Justice System and its unfortunate concomitant, the Penal System, is the theme and the purpose of this our Second "Special Edition" of Forum.

We are grateful to our publishers for agreeing to this Special Edition. Without their continuing support, Forum would be beyond our means. We are grateful to our Executive Director for not only acting as Editor (as he always does), but for undertaking the considerable extra burden of collecting the papers from the busy authors in time for publication, for collating them and working with our publishers to produce this Special Issue.

There is much I should and could say. However, there are many papers, all of intense interest and scholarship. I must not encroach upon valuable and costly space.

I express our sincere and most grateful thanks to all the authors, for their learned and sometimes provocative contributions. Without their continuing support, their words and their experience, Forum could not continue.

I commend this issue to you. If I, too, may be permitted to misquote, "Let Justice be unconfined!"