

David Brown, David Farrier, David Weisbrot,
*Criminal Laws: Materials and Commentary on Criminal Law
and Process in New South Wales: Volumes 1 & 2* (2nd ed),
The Federation Press, Sydney, 1996. \$100.

In 1984 the authors, with David Neal, conceived the idea of a criminal law textbook which went beyond the traditional 'black letter' approach to teaching. Rather than being a dry collection of case extracts or adhering to the established exposition of criminal laws, that is: an inventory of elements being the backbone and a summary of appeal court judgements being the flesh, the authors determined to contextualise the law. The first edition of the text, published in 1990, was a comprehensive 1447 page analysis of the criminal laws of New South Wales. Its success was due to the depth of coverage of one area of law in one jurisdiction as well as a reliance on 'organising principles' that challenge many of the common assumptions about criminal laws (such as "the content of the criminal law is inevitable and unchanging" or "criminal law" is a discrete and unified area of the law") and providing continual reference to the relationship between the substantive and procedural law.

The new edition of *Criminal Laws* was long awaited and does not disappoint. It is more than a simple collection of contemporary Australian cases and relevant materials. It provides expert commentary to supplement the up-to-date primary source extracts and a range of secondary materials which are both broad in coverage yet focussed on the social, economic and policy reasons for legal development. Secondary materials have been selected to illustrate not only the development in the positive law (Perkins "A Re-examination of Malice Aforethought" (1934) 43 *Yale LJ* 537), or the flaws which change may bring (Law Reform Commission of Victoria, *Report No 43, Rape: Reform of Law and Procedure* (1991)) but to provide a guide as to where the future may lie (for example the discussion of the battered women syndrome and its relevance to the law of self defence: Leader-Elliott (1993) and Sheehy *et al* (1992)).

The 1996 edition, which is of comparable size to the first edition, looks and feels better than its predecessor. The second edition has been split into two volumes, which are easier to handle than a one volume work of such length, and the paper quality has been improved. While the new edition retains most of the visual features of the earlier edition, including

tables illustrating apprehension/conviction rates and other valuable statistics, it was disappointing that further use was not made of visual aids to summarise key features of various chapters (for example the use of the simple flowchart seems to have been minimised in this edition). A further practical criticism pertains to the method of organising the commentary about the law or materials extracted. The commentary at the end of cases and extracts provides valuable information, for example further references, historical details and learned insights into policy issues. This information would profit from a series of minor subheadings which would provide readers with a quick overview of the area being discussed and provide more of a link to the cases and extracts which follow. Regardless of one's view on design the value of this work to the student of criminal law, be they undergraduate or practitioner, cannot be understated. It is an extensive work which does not treat the law as if it existed in a vacuum. Particularly beneficial for undergraduates is the continued connection made between the criminal law and the practical realities of its application. For the practitioner the policy reasons behind individual laws and the readings relating to the prospective changes to the law are significant especially when the various professional education services are so legalistic.

The second edition of *Criminal Laws* is an improvement on its predecessor and is an excellent educational tool which should be an part of any criminal law library.

Michael Brogan