

REVIEWS

Alex C Castles, **Annotated Bibliography of Printed Materials on Australian Law, 1788-1900**, Law Book Co, 1994, pp xxvi, 433, \$120 (hb).

This is an extraordinarily useful book for the rapidly developing study of the role of law in Australian history. As its title indicates, it is a detailed bibliography of material on Australian law which was printed between 1788 and 1900. Most of the entries cover books and pamphlets published in Australia, but they also include overseas material relevant to Australia.

As the author says in the introduction, compiling a bibliography is necessarily a selective process: how much 'law' is required for inclusion; how long need a document be; how close need the connection with the Australian colonies be; what should be done with newspaper and journal articles? His decision on the latter was to list the periodicals which had significant legal content and to describe their general content. In the end, the bibliography has 2558 entries, from legal text books to slim pamphlets, Royal Commission Reports to polemical attacks on lawyers, accounts of legal scandals to statutes. This is the result of vast labour by Alex Castles and a team of research assistants from Adelaide University Law School over the past decade. They searched libraries, catalogues and even archives, where printed material sometimes crops up in manuscript material. Not all of the material survives in Australia; some is available only in London, where local officials sent material to their imperial masters.

This book is more than a bibliography, it is a work of scholarship which no-one but Alex Castles could have produced. The annotations on each entry range from one line to more than a page, based on the author's encyclopedic knowledge of Australian primary legal materials and twentieth century commentaries. On some points, the annotations provide more detail than Castle's own *An Australian Legal History*.¹ The introduction to the bibliography, called 'Printed Materials on Australian Law, 1788-1900', is a 13 page study of the development of legal publishing in colonial Australia, from the first printed document in 1796 onwards. It examines the practical difficulties of a lack of printing presses and a small market which prevented successful commercial publishing in many cases. It also traces the development of reporting of case law, showing why there are still such apparently strange gaps in our law reports.

1 AC Castles, *An Australian Legal History* (Law Book Co, 1982).

The introduction emphasises the wide divergences between Australian and English law, differences which were more obvious to nineteenth century writers than to some in the twentieth century.² This indigenous nature of colonial Australian law, this local character, is what makes it worthwhile to publish a separate bibliography of local legal sources.

The entries themselves show how rich and varied the nineteenth century publications were. There were books and pamphlets on all the great legal issues of the time: federation, the Victorian constitutional crisis in the 1860s, marriage and divorce, Boothby, female suffrage, industrial arbitration, racial laws, mining laws, Aborigines, penology, codification, land law and insolvency. The development of nineteenth-century academic legal writing provides a number of entries. Scandals led to heated publications on Sudds and Thompson, corrupt legal officials and individual divorces. The attacks on law and the legal profession also show a passionate legal language which has since, unfortunately, been lost. Melville stated in *Australasia and Prison Discipline*, for example, that the list of those who had been ruined by law was like 'a list of killed and wounded after a very serious battle'.³ The bibliography includes books on the frontier periods of Western Australia, the Northern Territory and Van Diemen's Land, none of which has received much attention from historians. There were legal oddities too, such as the plan for Albertoria, a new colony adjacent to Victoria. Less suprisingly, there were many popular books on convict life, the trials of bushrangers and the Tichborne case.

The value of this bibliography rests not just on its comprehensiveness, but on the infectious enthusiasm expressed in the annotations. They point to many possible topics for future research. There have been few studies of great Australian trials for example, such as the lengthy equity case in Van Diemen's Land which, like *Bleak House's Jarndyce v Jarndyce*, used up nearly all of a vast estate in legal costs. Those who are searching for a PhD topic will find this book especially useful. The 53 page index is a good place to start, but not even that, constituting over ten percent of the book, can be comprehensive; there is no separate entry on railways, for instance. This is a book which is worth looking at carefully, rather than assuming it is just another library tool.

The publication of this book is a milestone in publishing about the history of law in Australia, but not the last word in bibliographies. There are still vast unprinted resources to catalogue and, in some

2 Castles, *Annotated Bibliography of Printed Materials on Australian Law*, p xxiii.

3 Id at p 285.

cases, reprint. Those who are interested in early New South Wales would like to see Governor King's legal letter book in print, for example, with its lucid Court of Appeal judgments. We also need a bibliography of twentieth century sources to match this one.

The bibliography is a fine work to mark Alex Castle's retirement from the Bonython Chair of Law at Adelaide University. For decades, he has provided us with essential books and articles on the history of Australian law. Few who write on it would not have a copy of his *Australian Legal History* by their side. He was recently elected as the first Life Member of the Australian and New Zealand Law in History Society. No-one has given more to this field.

*Bruce Kercher**

Mark Finnane, *Police and Government: Histories of Policing in Australia*, Oxford University Press, 1994, pp x, 238, \$24.95 (pbk).

One sign that an area of research is reaching maturity is the appearance of a textbook summing up the major themes that have attracted researchers. Mark Finnane's book, *Police and Government*, not only incorporates published research on the police in Australia and overseas, but adds much of his own original research on the Queensland and New South Wales police forces derived from personnel files and other sources. His major aims are to out-line some of the principal forces and characteristics which shaped contemporary Australian policing; to understand present conflicts which seem to represent a crisis in policing; and to open up the field for other research on legal regulation and social order in Australia at the local level. Finnane rightly argues that contemporary arguments about policing in this country could benefit from a good dose of historical medicine and that histories of many subjects touching on social order in Australia could benefit from a greater understanding of the specific contexts affecting the work of policing. He sees this book as a contribution to the perennial debate about the proper function of police in society. The cover photograph of Victorian police massed outside Parliament House to protect the Government from public reaction to unpopular and unjust policies is well chosen. It symbolises the major theme of the close and long-standing relationship between the police and government in Australia, which more often than not served to perpetuate inequalities, instead of furthering the social principles of justice and equality dear to Finnane's heart.

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