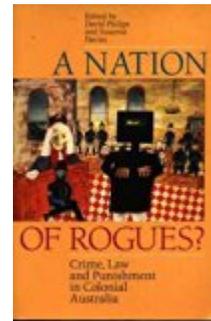


H-Net Reviews

in the Humanities & Social Sciences

David Philips, Susanne Davies, eds. *Nation of Rogues? Crime, Law and Punishment in Colonial Australia*. Melbourne: Melbourne University Press, 1994. 237 pp. \$24.95 (cloth), ISBN 978-0-522-84601-0.

Reviewed by Philippa J. Martyr (University of Tasmania)
Published on H-Law (June, 1995)



I like history which not only informs, but entertains. This is not in the least to argue that I would be in favour of handing the running of any Australian university's History Department to Kerry Packer. But nonetheless, most of us would agree that writing history which is accurate without being dictatorial, and informative without being dull, is a consummation devoutly to be wished.

This collection of essays strikes a good balance in this direction. Philips and Davies have set out to provide a cross-section of colonial Australia in terms of the popular themes of crime and punishment. The joint influences of E P Thompson and Michel Foucault are duly noted and then - hooray - left to illuminate indirectly, rather than be turned to at every page as touchstones of authority. While the select bibliography shows the influence of studies of crime in Britain in the same time-period, this history stands confidently Australian, which is no doubt a good thing.

The essays offer a wide variety of approaches - gender and sexuality gets good representation with the first, middle and last essays on gender-related topics. Paula Byrne's 'On Her Own Hands', David Philips' 'Anatomy of a Rape Case' and Kathy Laster's 'Arbitrary Chivalry' form a valuable continuum of analysis of the status of women and criminal law in Victoria over a period of one hundred and fifty years. Issues of ethnicity occur throughout, especially in Gary Highland's 'A Tangle of Paradoxes: Race, Justice and Criminal Law in North Queensland 1882-1894'. Socio-economic position and class structures are also criticized by Darren Palmer's study of the justice system in Port Phillip, Suzanne Davies' piece on vagrancy in late nineteenth century Melbourne, and David Philips' other article in the collection, the intriguingly-titled 'The Royal Bastard as Po-

liceman? '.

I have two major criticisms of this collection. Firstly, I found that I could guess in advance the major approaches of the work - race, gender, class. While these are all worthy areas of investigation, I sometimes despair of finding a work which can breathe a little life into them. I know this is heresy of the worst sort, so I shall move on to my second criticism, which is that I cannot help but notice the solid Eastern orientation of the work. This is understandable in a publication proceeding from an Eastern university, but at the same time I tend to bridle when I see the word 'Australia' used in the title of a collection of historical essays which does not acknowledge the centre or west of the nation, both of which had colonial histories of their own. However, in fairness, at least the Sydney-Melbourne nexus has been broken a little by the inclusion of a study on Queensland. I noticed also, on the positive side, that several of the contributors actually work in the field of legal studies, law and criminology, so interdisciplinary work with history has certainly paid off in this area.

Most of these essays are highly informative; one gets a lot of research material for one's money, and the analysis which follows this is concise enough to provide interesting interpretations. This work would be a useful teaching resource for undergraduate courses in crime and punishment in Australia - it offers introductions to a number of complex issues, without being heavily burdened with theory. Some may see this as an insult; I see it as a compliment, and one of the work's stronger points.

Copyright (c) 1995 by H-Net, all rights reserved. This work may be copied for non-profit educational use if proper credit is given to the author and the list. For other permission, please contact reviews@h-net.msu.edu.

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

Citation: Philippa J. Martyr. Review of Philips, David; Davies, Susanne, eds., *Nation of Rogues? Crime, Law and Punishment in Colonial Australia*. H-Law, H-Net Reviews. June, 1995.

URL: <http://www.h-net.org/reviews/showrev.php?id=70>

Copyright © 1995 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at hbooks@mail.h-net.msu.edu.