

statistics and rigorous argument with engaging anecdotal narrative. Ironically, the final chapter on "Slave Resistance and the End of Slavery" achieves this ideal balance better than any other part of the text, mixing analysis with anecdote in a style that augurs well if it foretells the second volume of this much-needed work.

Islanders in the Stream provides a comprehensive history of the Bahamas on a scale which has hitherto not existed. It engages the periphery of Caribbean slave society in a fashion that cannot help but enrich an historiography that has tended to concentrate on the sugar-cultivating heart of the Caribbean world. Furthermore, in an age when so many works offer rich description and analysis of small parts of society, this book demonstrates that big stories can still be told without sacrificing any of the new vision or new techniques in the hands of contemporary historians.

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Paula J. Byrne — *Criminal Law and Colonial Subject: New South Wales, 1810–1830*. Cambridge: Cambridge University Press, 1993. Pp. xiv, 301.

Historians of crime and criminal justice have looked forward to the publication of this book, expecting a major contribution to a still scanty Australian literature on the subject. In particular, this promises to be a useful companion to David Neal's recent and excellent *The Rule of Law in a Penal Colony: Law and Power in Early New South Wales*, which examines legal ideology and structures; Byrne studies the operation of the law "on the ground". That promise is only partly fulfilled. There are a lot of good things in this book, but the reader needs to hunt around for them and to be very patient in the process.

The title suggests a study of crime, the criminal law, and criminal justice, and a good deal of information is presented on these issues. For example, there is a useful analysis of the role of criminal law in regulating the employment contract in a society where so many employees were convicts, assigned to government work or private employers and lacking even the limited freedoms of workers in other societies. The cases that showed up in magistrate's courts largely involved theft from employers, absences from work, and neglect of work in various forms. Byrne is able to demonstrate that "the convict servant's day, work and production were the centre of the attention of the courts" (p. 38); she also shows by using the court records that convicts as well as government and employers were able to "negotiate" the terms and conditions of labour. There are also good sections or chapters on the social context of theft, domestic violence, rape, and bushranging — the phenomenon of criminal gangs operating in the rural areas. The chapter on policing presents an intriguing argument: that policing in the colony was organized for, and conceived as, the policing of a convict society, and that the resulting perceptions and structures were extended to the free population. There were not two systems of policing, but one. This argument draws some support from the level of resistance to police, but I was not in the end convinced by it, for the conflicts between

constables and those they sought to supervise were not significantly different from those occurring elsewhere in the English-speaking world.

But the contents are poorly packaged. The introduction gives the reader no clear idea of the themes and arguments to be addressed, although it does manage to cite major authors in the fields of criminal law and the rule of law, the nature of convict society, and feminist historiography generally. Indeed I was left unclear as to whether the study is principally intended as one about women and criminal law (there are hints that it is) or about the general role of criminal law in society; this confusion infuses the entire book. A lack of clarity about what the author is saying is present in other areas as well. I did not understand what the book's conceptual framework was supposed to be, a confusion illustrated by its organization. While some of the four parts are clearly organized — Part 2 consists of a single chapter on bushranging; Part 3 is about policing and popular uses of the courts; Part 4 examines court procedures and punishment — the conceptual design underlying Part 1 is unclear. Its title, "Law and the Person", is not very revealing (and not accurate either given that it discusses theft). The three chapters, "Labour", "The House", and "The Body" in fact relate respectively to criminal law and labour control, property and violent offences committed largely in the domestic sphere, and sex offences. While the first and third of these are useful categories, I failed to understand why property offences and crimes of violence are significant only when they occurred in the household. More importantly, the chapter headings suggest an interpretive approach somehow different from standard studies of crime, but it is not at all clear what that different approach is. The introduction's (entire) explanation of the organizing themes reads as follows:

In the beginning of the nineteenth century and particularly in the formation of the colony of New South Wales there was a new interest in persons, their habitations and their bodies. This interest has been noted by Michel Foucault. Part 1, then, considers discursive aspects of law." (p. 8)

This quotation suggests that the book may be intended as an exercise in discourse analysis, a suggestion supported by reference here and there to the "language" of this or that. There is no explicit reference to what discourse is all about, however. In short, whatever new insights Byrne wishes to bring to the subject of crime and society are lost in considerable conceptual vagueness.

Other aspects of the book are also disappointing. We are told that Byrne looked at almost 6,000 cases, a substantial data collection, but also that she did not produce a computer data base because the reduction of cases to variables loses something — what, we are not told. In a number of places, individual cases, which she spends much time discussing, could usefully be placed in the broader context of the data set as a whole. On a few legal issues she manages to misstate basic meanings: see burglary on p. 83, assault on pp. 88–89, and the frequent improper use of "robbery" when "stealing from" is what is being described. A consistent stylistic annoyance is provided by a substantial amount of the text being written in the present tense. The "historical present" is an unruly beast, and in my view authors

should avoid it. If use it they must, consistency is necessary. To say “[t]he area of concern for both these offenses is productivity of the workers for private employers, whereas government employers were concerned with time spent at work and constant work as well as productivity” (p. 36) is to mix tenses in an unacceptable way. It is also one of many illustrations that could be offered of obscure syntax; the book is not well written, a problem which may have contributed to this reviewer’s obvious failure to appreciate its message. There are plenty of references to historians of other times and places, but these provide very little enlightenment.

I should end on a positive note. A good deal of research has gone into this book, and the historian of crime, the criminal law, and criminal justice can glean much from it. My complaints relate to the way the information is presented — without clearly expressed interpretive themes and underlaid with much conceptual vagueness. The historian of crime can draw on this work for useful information and some insightful analysis, but the best way to do so is to approach the book from the back — the index — and not from the table of contents or the introduction.

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