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THE LAW - SIX DRAWINGS

SIMON FIELDHOUSE

FOREWORD

The Hon. Mr. Justice M. D. Kirby  
Chairman of the Australian Law Reform Commission

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Many years ago, I was involved, as a young solicitor in an extraordinary case in which it was claimed that a magistrate had denied natural justice to a person appearing before him. An application was made for the New South Wales Supreme Court for an order of Prohibition against the magistrate. The case came before the Court of Appeal. In the course of his judgment, the late Mr. Justice Holmes, Judge of Appeal, described the events in the court below in vivid language.

The picture is one which shows how the poor, sick and friendless are still oppressed by the machinery of justice in ways which need a Fielding or a Dickens to describe in words and a Hogarth to portray pictorially. What happened that day ... to the applicant was only the beginning of the terrors which were to confront him before the proceedings before this stipendiary magistrate were completed. Ex parte Corbishley; re Locke [1967] 2 NSWLR 547, 549.

The history of the common law of England which we have inherited in Australia has been illuminated by pictorial commentary, criticism and praise. The tradition of Hogarth is still very much alive in Australia. Devotees of our history will know of the the social commentary at the turn of this Century, of the art of Low in the pages of The Bulletin. Readers of the contemporary daily press in Australia will know of the telling critique of our machinery of justice that appears almost daily in etchings, hurriedly drawn, to capture the foibles of the law, the courts or those who appear before them. Sometimes the cartoonist can cut too close to the bone, and be prosecuted for his efforts, as occurred in New Zealand in the case of a famous cartoon of William Blomfield. The drama is immortalised in the decision in Attorney-General v. Blomfield (1914) 33 NZLR 345. Nowadays judges and other officers of the law must have thicker skins. Many judicial chambers in Australia are hung with original cartoons, offered by the artist after first being published in the daily press — sometimes, one suspects, to console the judicial victim of the artist's commentary.

The business of the law is frequently so desperately serious and the emotions of courtroom trials so intense, that social commentary, through the pen of the artist, provides a form of relief of tensions. To adapt the words of Mr. Justice Holmes (above) there is still much in our administration of justice that lends itself to poignant or reflective commentary, whether in prose or by pen drawing. Readers often think that Dickens caricatured the courts of his times or that Hogarth's self-contented judges are parodies of the actuality. All too often, what Dickens and Hogarth portrayed was the actual life of the law.

Simon Fieldhouse is a young man, educated at Geelong Grammar School and Sydney University. He holds an Arts degree and is presently working in his father's legal practice while studying law part-time. His drawings illustrate a perceptive modern commentary on the law. Like the subject matter, the drawings are often sharp and severe, frequently obscure but usually beautiful to behold, especially from a distance.

We need commentary and critical analysis of the law, its institutions and personnel. This can be offered in law reform reports. It can arise in the telling comments of an anguished judge. It can be voiced in the outcry against injustice of ordinary citizens and, true to the traditions of our legal system, it can also be expressed by pen drawings, such as these offered by Mr Fieldhouse.