

**REFORM
OBITUARY
PROFESSOR ALEXANDER CASTLES**

The death of Alex Castles sees the passing of one of the inaugural Commissioners of the Australian Law Reform Commission. Alex Castles held office as a member of the Commission between 1975 and 1981. As such, he played an instrumental part in the foundation of the Commission and in its influential early reports.

Born in March 1933, Alex Castles was raised and educated in Melbourne. He attended Scotch College and the University of Melbourne before taking the J D Degree at the University of Chicago. He returned to the Melbourne Law School as a tutor. He later served as an Assistant Lecturer at the University of Pennsylvania, one of the Ivy League. From there, in 1958, he took up a post in the Faculty of Law at the University of Adelaide. It was in that Faculty that he was to offer his greatest service to the law. He was appointed Professor in 1967 and on several occasions served as Dean of Law. At the time, the Adelaide Law School was in a period of great strength. Castles was one of its acknowledged leaders. After his retirement from the Law School in 1994 he was made an Honorary Visiting Research Fellow of the University. He

later accepted appointment as a Professorial Fellow at the Flinders University School of Law.

His speciality was Australian legal history. He wrote an *Introduction to Australian Legal History* in 1971. He published a source book on the subject in 1979. His best known work *An Australian Legal History* was published in 1982. These books on legal history freed Australian lawyers from a perception of their history as wholly derivative from that of England. On the contrary, Castles emphasised the early emergence of local demands for jury trial, representative government and other features of a modern state. He portrayed Australians as beneficiaries of the revolutionary war fought by their American cousins. His writing and thinking concerning Australian legal history was to play a part in freeing Australian lawyers from the conventional legal doctrine of *terra nullius* in land law. He was always insistent on the need for a readjustment in the response of Australian law and institutions to the reality of the indigenous peoples and the particular conditions of the continent.

Alex Castles was active in community bodies, such as the United Nations Association, the International Commission of Jurists, and the Australian Institute of International Affairs. After his period on the ALRC, he served as a member of the Dix Committee, which conducted a review of the Australian Broadcasting Commission. He was also a long-term member of the

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Council of the University of Adelaide. On election nights in Adelaide he was a witty, good-humoured media commentator on the perils of democracy in action. He was comfortable in the modern media making frequent appearances on television and radio. He was a great talker. He was controversial and always engagingly going on about some new bee in his bonnet. Such enthusiastic scholars are relatively rare in the law. He was theatrical, inspirational, annoying and distracting, all in the space of a given five minutes.

On the ALRC, Alex Castles brought his enthusiastic, sometimes quirky but always knowledgeable, awareness of legal history to bear on the Commission's projects. He was diligent in his participation in the Commission's early affairs. He could sometimes be quite contrary in resisting perceived wisdom. At the time of his death in 2003, he was the acknowledged doyen of Australian legal historians.

It is a reproach to us that Alex Castles was not adequately honoured in his lifetime for his service to Australian law, in public bodies and in his historical and popular writings. He received no honorary degrees nor civil honours. Australians are sometimes ungenerous to their interpreters. Yet as a legal historian, he helped lawyers and others to perceive Australia's history as unique, different and worthy of special study. He often said that it was out of our history that we came to see our mistakes and the need to

reform them. On his death, he was as described by his daughter Jennifer Castles and Dr John Williams, both of the Adelaide Law School, as "a lifelong democrat and egalitarian, trusted by everyone [having] a rare ability to combine the life of an academic with a role in the public arena".

It was assumed that Alex Castles' lively, enthusiastic personality would keep bubbling along for decades to come. Instead, at the age of 70, he died. His surviving colleagues in the ALRC honour his contribution to institutional law reform. Generations of Australian lawyers honour the way in which he made Australian legal history a proper subject of study and national instruction.

Michael Kirby

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