

BOOK REVIEWS

difficult to avoid in a general popular work on this topic. However, the book does also make a real effort to include relevant data and contrary positions to facilitate critical analysis of its principal argument. Its analysis of the possibility of issuing free permits to export exposed Australian industries to meet the carbon leakage problem – the possibility that polluting industries will simply move offshore – is a good case in point.

There is an interesting discussion of the extent and limitations of international refugee and human

The book does argue strongly for particular policy positions on a number of issues.

rights law in addressing the plight of persons who may be displaced by climate change in future years. The real difficulties, in any attribution of legal responsibility (to a particular country) for the displacement of persons by climate change, are discussed in a forensically precise and worthwhile manner. The book concludes with a thought-provoking chapter on the potential global security implications of climate

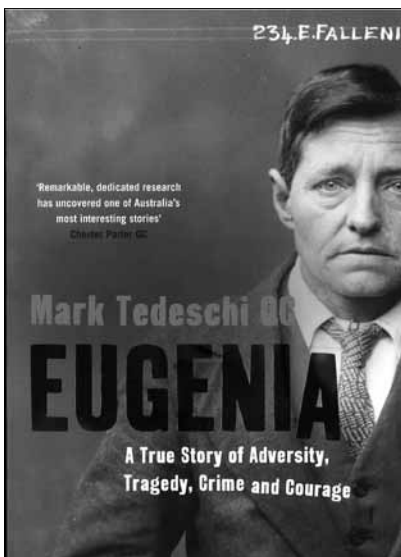
change, in the context of other global problems such as food scarcity related to population.

For anyone interested in climate change and the debate surrounding it, this eclectic and wide ranging work is definitely worth reading, as a well referenced general introduction to many recent issues surrounding anthropogenic global warming and the international and domestic policy and legal response to it.

Reviewed by Clifford Ireland

Eugenia

By Mark Tedeschi QC | Simon and Schuster | 2012



Hilary Mantel has spoken of the revulsion inspired in her when writers play around with facts, distorting something just to make it more convenient or dramatic. The non-fiction work *Eugenia* by Senior Crown Prosecutor Mark Tedeschi QC is written by an author

with similar concern for historical truth. With an historian's skill and a prosecutor's search for proof, Tedeschi QC has brought once again to the public and legal gaze the tragic story of Eugenia Falleni.

Falleni, believing she was a man trapped in the body of a woman, lived for 22 years as a man. Born into an Italian family that immigrated to New Zealand, Falleni took to the high seas and found herself dumped by the Captain in Newcastle, New South Wales. She spent the next twenty-two years passing as a Scotsman and general useful, Harry Crawford. She married twice. Charged with the murder of her first wife, the trial in October 1920 was one of the largest public sensations of the time.

Eugenia is dedicated to the late Dorothy Porter, daughter of Chester Porter QC and, as Tedeschi QC describes, one of his oldest friends.

Friendship is not the only matter which connects Tedeschi QC with Porter. Both have produced works which interrogate the seismic consequences the sexuality of their protagonists can have on the development of the criminal story. (Porter's brilliant fictional verse novel *The Monkey's Mask* caused its own sensation in 1994 when published and was awarded the Age Book of the Year for poetry and the National Book Council Award amongst others.)

Where Porter's *The Monkey's Mask* revelled in what has been described as poetry facing profanity on the streets of a harsh modern city, Tedeschi QC's *Eugenia* is the story of a woman who, to her contemporaries, was the profanity on the harsh working-class streets of Sydney. Tedeschi QC's treatment of Eugenia is one of enduring sympathy for someone serially misunderstood in her time and failed

by a justice system presided over by one of its greats (Sir William Cullen, chief justice of New South Wales).

Tedeschi QC's story of Eugenia begins on a note of promise:

From a completely misunderstood childhood and adolescence, Eugenia boldly strode out in adulthood in an attempt to establish what she saw as her true self as a man.

The hope proves false. A labyrinth of dead ends in life would have been kinder compared to the brutality and tragedy with which her adult life passed. There were times in which the potential for future happiness seemed realisable; times in hindsight cruel for their brevity and betrayal.

In her time, as Tedeschi QC's research has uncovered, much was written by the press about the life of Mrs Harry Crawford and especially about her trial. There was perhaps more kindness in later years, but to the press and the public Eugenia was largely sensation not victim. That was both the prism and societal prison through which Eugenia Falleni was judged and in which she lived.

Describing and analysing the trial of Eugenia (Parts II and III of the book) is where Tedeschi QC obviously relishes his task. The tone is empathetic but his criticisms of the trial and its conduct bear the

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weight of a writer who understands the ideals of a profession in which he practices. As a critique of a trial, act by act and almost question by question, it is – even aside from the story in which it appears – a fascinating forensic dissection of how a case ought be run by competent counsel.

Anachronism is never an easy charge avoided where the crevices of failures etched in the past are seen to run more deeply with the benefit of eyes conditioned by the scientific and societal progresses of the intervening period. Yet Tedeschi QC largely avoids the problem. In fact, the analysis Tedeschi QC gives of what ought to have been achieved by defence counsel for Eugenia even in that context is one of the highlights of the book. His critique

of the failures of a system which ought – even by its then standards and capabilities – to have done better is the work of an historian of life and the law who can continually segregate what was, what could have been, and what is now.

In its style, structure and content, this book could only have been written by a lawyer who has spent decades preparing and running criminal trials. Yet it is not a book only for lawyers. Tedeschi QC has gone to great lengths to treat the reader as you would think he probably approaches any given jury. It is an approach that works well; it also does greater justice to the story itself. It is not the most eloquent of questions, but Tedeschi QC's point is to drive to the right one: was there sufficient evidence to justify her conviction. As with Eugenia's sexuality and plight, the proper question is one which few of Eugenia's contemporaries had the knowledge or inclination to get right.

Reviewed by Fiona Roughley