

WHAT MAKES A GOOD BIOGRAPHY?

ABSTRACT

Judicial biography is an undeveloped form of writing in Australia, and one that lacks any clear agreement over its purpose, audience and methods. This article considers the nature of biography both as a medium employed in various fields of professional activity and as a branch of historical analysis. A survey of some notable judicial biographies reveals the different approaches taken by lawyers and non-legal historians, and the problem of integrating an interpretation of the judicial record with a proper realisation of the biographical subject. It is suggested that those earlier judges who combined a political with a judicial career have attracted the most substantial attention, and that the full potential of the genre has yet to be achieved.

Has any historian ever finished a biography with a conviction that it is complete? I have not and I am in good company: Keith Hancock laboured over Smuts,¹ Kathleen Fitzpatrick was laid low by Henry James, Allan Martin lost his nerve with Henry Parkes.²

A history project often begins with the finished publication somewhere in your mind. You know what you want to make of it, you can even hear some passages, and the whole enterprise has a deceptive clarity. It is only as you embark on the research and wrestle with the problems of putting ideas into words that the enterprise escapes your control.

At some later point, sometimes dictated by a deadline, sometimes by the law of diminishing returns, you conclude, taking comfort in the finitude of academic knowledge. In disciplines such as chemistry the volume of publications doubles every two years; the citations of a research paper peak within 12 months and fall away rapidly. History is a more leisurely discipline, and a book might have a scholarly life of a decade or more. Your monograph won't be the last word but it should at least make an original contribution to the subject.

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¹ W K Hancock, *Smuts: The Sanguine Years, 1870–1919* (Cambridge University Press, 1962) vol 1; W K Hancock, *Smuts: The Fields of Force, 1919–1950* (Cambridge University Press, 1962). vol 2.

² A W Martin, *Henry Parkes: A Biography* (Melbourne University Press, 1980).

Biography does not allow the same reassurance. You might be dealing with a minor figure, and it is unlikely any publisher will accept a second effort. Or you might have taken up a person of substantial significance, in which case you have your own conviction about how the life ought to be interpreted. In either case, you are confronted with the impossibility of writing a definitive biography. You are dealing with a variety of activities, experiences and relationships, trying to make sense of the ambiguities of human motivation and behaviour with evidence that is frustratingly partial and incomplete.

Biography presents in a particularly marked form the limits imposed by the rules of historical interpretation. Put simply, the rules lay down that you must report the evidence faithfully: you can't go beyond the evidence, and you can't withhold evidence of significance. Observance of the rules deprives the historian of the resources of the novelist: you can't invent incidents, or adapt or reorganise them to sharpen the circumstances and raise the stakes. You can't contrive dialogue to dramatise interactions, nor can you have recourse to interior monologues in order to explore the thoughts and feelings of the actors.

In her account of how she wrote *The Secret River*, Kate Grenville takes us through the awakening of her interest in the subject, her initial reading of secondary sources and then an ingenuous description of how she worked in archival collections in her determination to realise her historical novel. Then comes a revealing passage:

This wasn't quite how it was in the documents but making a sequence out of these scenes wouldn't distort what had 'really happened' in any significant way. It would, though, turn them into a story.³

But it was not this candid admission that raised the ire of historians; rather, it was her claim to have thereby reached a truer version of the past than that achieved by historians.

Biography is a branch of history and is bound by its rules. It is also a genre of uncertain repute, mistrusted by some historians because its very individuality seems ill-suited to the larger patterns on which historical explanation depends. Insofar as history aspires to the objectivity of the social sciences, a sample of one seems a weak vessel.

I begin with these observations as a caveat for what follows. In order to suggest what makes a good judicial biography I shall appraise some Australian examples. In doing so I hope I don't sound as if I'm delivering judgment as a member of a superior court for I am highly conscious of the difficulties confronting the petitioner.

First of all, we might think about the significance of the qualifier, judicial biography. There are different branches of biography. It is a highly popular form

³ Kate Grenville, *Searching for the Secret River* (Text Publishing Company, 2006).

of trade publishing, pitched at a mass market. These biographies typically take a historical figure of wide interest — there are thousands of lives of Napoleon, hundreds of Lincoln and scores of books on Ned Kelly. More recently, this genre has expanded to take in more contemporary figures as part of the cult of the celebrity. These trade books are sometimes authorised by their subject and shade into the category of autobiography, whether genuine or ghosted, as was the case when Peter Coleman assisted Peter Costello with his memoirs.⁴

Such books have a standard format (big, generously illustrated, with a large font and generous margins) and a characteristic style (short chapters with a strong narrative and a very limited context, full of anecdote, lightly referenced, straightforward in exposition, high on partisanship and short on critical analysis). Popular subjects include prime ministers, war heroes and sportspeople. Don Bradman is probably the most popular Australian subject. I can think of no instance of a judicial biography of this kind.

Then there is a different kind of biography, written for a more restricted audience, no longer confined to the famous and infamous. It is here that the genre becomes more specialised to take in biographies of writers, artists, scientists, educationalists, ministers of religion, businessmen and trade unionists, soldiers and lawyers. Some of these are also commissioned or sponsored, and this provenance raises particular expectations. An early example is the life of the Victorian Chief Justice George Higinbotham. Written by his son-in-law, Edward Morris, at the request of the widow, it is a thoroughly filial literary memorial.⁵

Some of these more specialised biographies are written by practitioners in the same field. Hence scientists relate the lives of eminent scientists, priests record prelates, members of the military produce books on generals, educationalists write about educational administrators, and lawyers write judicial biography. The leading exponent is J M Bennett, who has published more than a dozen lives of colonial chief justices.⁶

⁴ Peter Costello and Peter Coleman, *The Costello Memoirs* (Melbourne University Press, 2008).

⁵ Edward E Morris, *A Memoir of George Higinbotham: An Australian Politician and Chief Justice of Victoria* (Macmillan, 1895).

⁶ J M Bennett, *Sir John Pedder: First Chief Justice of Tasmania* (University of Tasmania, 1977); *Sir Francis Forbes: First Chief Justice of New South Wales 1823–1837* (Federation Press, 2001); *Sir James Dowling: Second Chief Justice of New South Wales 1837–1844* (Federation Press, 2001); *Sir William à Beckett: First Chief Justice of Victoria* (Federation Press, 2001); *Sir Archibald Burt: First Chief Justice of Western Australia 1861–1879* (Federation Press, 2002); *Sir Charles Cooper: First Chief Justice of South Australia 1856–1861* (Federation Press, 2002); *Sir James Cockle: First Chief Justice of Queensland 1863–1879* (Federation Press, 2003); *Sir John Pedder: First Chief Justice of Tasmania 1824–1854* (Federation Press, 2003); *Sir William Stawell: Second Chief Justice of Victoria 1857–1886* (Federation Press, 2004); *Sir Henry Wrenfordsley: Second Chief Justice of Western Australia 1880–1883* (Federation Press, 2004); *Sir James Martin: Premier and Chief Justice* (Federation Press, 2005); *George Higinbotham: Third Chief Justice of Victoria*

Such biographies tend to be specialised in character, aimed at readers with the same expertise and interest, concerned with the particularities of the field and assuming familiarity with its procedures. I think, for example, of the scientific biographies compiled by the Academy of Science, which are highly technical in their explanation of the contribution made by the subject to an activity whose meaning and significance is assumed.⁷

But this is not an inevitable consequence of the pattern. Dick Selleck's life of the educationalist Frank Tate illuminates the social and intellectual milieu of early 20th century Melbourne.⁸ Bernard Smith's life of the artist Noel Counihan is a rich exploration of the cultural politics of communism.⁹ David Marr's life of Garfield Barwick is arguably another example. Marr is a journalist, commentator and writer (he has also written an impressive biography of Patrick White),¹⁰ but is also a trained lawyer and used that training to write a highly critical — some would say tendentious — biography of Barwick that integrated his cases and judgments into a carefully plotted interpretation of his subject.¹¹

Finally, some are written by historians. These biographers often have a particular interest in the field: labour historians write biographies of trade unionists, literary historians are most likely to take up a novelist or playwright, an economic historian to choose a business leader, and so on. This gives them familiarity with the subject, but the author is not a practitioner and stands at a remove. Such biographies sometimes take the form of trade publications, but more often they are monographs, written within the conventions of the discipline. Their framework of reference is the academic profession as an interpretive community, so that they situate the subject within the relevant disciplinary literature, and apply the methods of historical investigation. There are a number of such biographies of Australian judges, but with widely divergent judicial content.

Take, for example, the biography of Redmond Barry, the senior puisne judge of the Supreme Court of Victoria from 1852 to 1880.¹² The biographer is Ann Galbally, an art historian, drawn to her subject because of his formative role in the Victorian library, museum and art gallery as well as the University of Melbourne, the

1886–1892 (Federation Press, 2007); *Sir Valentine Fleming: Second Chief Justice of Tasmania 1854–1869* (Federation Press, 2007); *Sir Alfred Stephen: Third Chief Justice of New South Wales 1844–1873* (Federation Press, 2009).

⁷ These biographies appear in the *Historical Records of Australian Science*, published by the Australian Academy of Science from 1980 until 2002 and thereafter by the CSIRO; they are available on the Academy website, <<http://www.science.org.au/publications/history-and-biographies.html>>.

⁸ R J W Selleck, *Frank Tate: A Biography* (Melbourne University Press, 1982).

⁹ Bernard Smith, *Noel Counihan: Artist and Revolutionary* (Oxford University Press, 1993).

¹⁰ David Marr, *Patrick White: A Life* (Random House, 1991).

¹¹ David Marr, *Barwick* (Allen and Unwin, 1980).

¹² Ann Galbally, *Redmond Barry: An Anglo-Irish Australian* (Melbourne University Press, 1989).

Royal Society and the Melbourne Club. It is a fine biography of an Anglo-Irish autocrat, and revealing in its picture of the multiple roles of the judiciary in colonial Melbourne, but remarkably restricted in the consideration of Barry on the bench. There is an account of Barry's clash with Higinbotham over the Attorney-General's attempt to regulate the judiciary, but the only cases that Galbally considers are the Eureka trials and then those of Ellen and Edward Kelly.

Compare this with the brief life of Barry's contemporary and rival, William Stawell.¹³ The author, Charles Parkinson, is a graduate in history as well as law, and it shows. He captures Stawell's transition from a young roisterer to an evangelical Anglican, integrates his role in the drafting of the *Victorian Constitution*¹⁴ with his vigilance as Chief Justice to uphold the independence of the judiciary, regulate the conduct of the executive and the legislature, maintain the privileges of the Legislative Council and protect the prerogatives of the governor and the Colonial Office as checks on levelling democracy.

It is surprising that there are not more biographies of colonial judges. Charles Currey, a member of the Sydney Law School, led the way with his life of Francis Forbes, the first Chief Justice of the Supreme Court of New South Wales.¹⁵ He showed how the absence of representative government in a penal colony displaced politics into the courts, setting up a persistent contest between governors and the judiciary, and marking out the rule of law as a fundamental force in Australian history. Legal historians took up this theme in some important works — David Neal's *The Rule of Law in a Penal Colony*, Paul Finn's *Law and Government in Colonial Australia*, Bruce Kercher's *An Unruly Child* — but few biographies have followed it.¹⁶

With federation and the establishment of the High Court, the famine ends. Of the first five appointments, all but O'Connor have one or more substantial biographies. The problem is that these formative judges had extended careers in colonial and federal politics before their elevation to the High Court. They followed the common practice of combining a career at the bar with active engagement in public life, for 19th century politics did not require a full-time commitment and parliamentary arrangements allowed members substantial time to pursue their extra-parliamentary interests. Each of the biographers is thus confronted with the task of apportioning space to the phases of the subject's career and integrating the components into a coherent whole.

¹³ Charles Parkinson, *Sir William Stawell and the Victorian Constitution* (Australian Scholarly Publishing, 2004).

¹⁴ *Constitution Act 1855* (Vic).

¹⁵ C H Currey, *Sir Francis Forbes: The First Chief Justice of the Supreme Court of New South Wales* (Angus and Robertson, 1968).

¹⁶ David Neal, *The Rule of Law in a Penal Colony: Law and Power in Early New South Wales* (Cambridge University Press, 1991); Paul Finn, *Law and Government in Colonial Australia* (Oxford University Press, 1987); Bruce Kercher, *An Unruly Child: A History of Law in Australia* (Allen and Unwin, 1995).

In writing the life of Samuel Griffith, Roger Joyce took the exhaustive approach. His original manuscript was 750,000 words in length, and on the advice of his publisher he cut that down to 442,000 and then even more ruthlessly to 200,000 words.¹⁷ A substantial number of them are given over to Griffith's activity in Parliament, his terms as Premier of Queensland and involvement in federation. Griffith became Chief Justice of the Supreme Court of Queensland in 1893, and of the High Court on its formation in 1903 until 1919. He presided over 413 reported cases in the first jurisdiction, 950 in the latter: I take these figures from Roger Joyce, who I suspect took notes on all of them.¹⁸

But what was he to do with them? He has a chapter on the decade in Queensland, and reports a small proportion of cases, chosen I think either for their significance or human interest. With the High Court the emphasis is on the constitutional cases and the way that Griffith was determined to maintain the federal compact that he had helped design. But this method of exegesis, which consists essentially of case summaries, hardly helps the reader to understand how the points at law were decided or indeed the nature of Australia's federal legalism. It is supplemented with passages that show Griffith as an austere and demanding figure and relate his strained relations with colleagues, but Joyce himself acknowledged that could not integrate his material into a fully realised biography.

Geoffrey Bolton had a different problem in his biography of Barton.¹⁹ The penultimate chapter, 'Mr Justice Barton', comes as a pendant to the fortunes of federation and Australia's first Prime Minister; and it was eight years after he took his seat on the bench alongside Griffith before Barton gave his first dissenting judgment. Unlike Roger Joyce, Geoffrey Bolton has no training in law, and he made no effort to follow Joyce's case method. Rather, he explores Barton's investment in the *Constitution* he had helped draft, his resentment of the judicial newcomers who threatened to read it differently (including the anti-Semitic confidences he shared with Griffith at the expense of Isaac Isaacs) and the ex-Prime Minister's forlorn expectations that he might follow Griffith as chief justice.

Both the newcomers, Henry Higgins and Isaac Isaacs, were outsiders. One was an impoverished immigrant who made his way at the bar but resisted absorption into the Melbourne establishment, the other a Jew whom the establishment would not admit and was disliked and distrusted by his colleagues. Both were radicals.

John Rickard's life of Higgins is an ambitious work of historical biography, making use of the troubled childhood to explore the adult preoccupations.²⁰ The biography is necessarily concerned with Higgins' role as the second president of the Court of Conciliation and Arbitration, the author of the *Harvester Judgment*²¹ and proud creator of the new province for law and order. The chapter on Higgins' work on

¹⁷ Roger B Joyce, *Samuel Walker Griffith* (University of Queensland Press, 1984) x.

¹⁸ *Ibid* 219, 273.

¹⁹ Geoffrey Bolton, *Edmund Barton* (Allen and Unwin, 2000).

²⁰ John Rickard, *H B Higgins: The Rebel as Judge* (Allen and Unwin, 1984).

²¹ *Ex parte H V McKay* (1907) 2 CAR 1.

the High Court accordingly concentrates on the cases that struck down the powers he sought to exercise in his other jurisdiction, and his eventual vindication in the *Engineers' Case*²² provides its shape. Within this context Rickard explores the way that Higgins, with Isaacs, sought to overturn Griffith's insistence on the original intention of those who drafted *Commonwealth Constitution* with ordinary rules of statutory interpretation. At the same time Rickard draws attention to Higgins' impatience with strict legalism, and criticism of 'wordchopping'.²³ This is pursued by close attention to passages in Higgins' judgments where the language allows different levels of meaning, a sort of incipient literary deconstruction but one that is suggested rather than fully developed.

Zelman Cowen's life of Isaacs seems to me to invite the psychological reading that Rickard gives Higgins.²⁴ A brilliant scholar who overcame the handicap of his Jewish origins to win glittering prizes relates the path of an earlier one who did the same. A decade after Cowen completed the biography, he followed Isaacs to Yarralumla, and in the preface to a second edition he has explained how that perspective allowed him further insights.²⁵ What then are we to make of the findings that Isaacs paraded his knowledge, dwelt excessively on his accomplishments and affronted colleagues with his ambition and egocentrism?

Cowen's is a legal biography; that is to say, it takes up the principal cases that Isaacs heard, explicates the points of law they involved, identifies the precedents, explains the reasoning that informed the judgment and indicates how it would be interpreted in subsequent decisions. With this goes a consideration of his subject's judicial personality. Isaacs had great technical mastery of the law, but he was long-winded, diffuse and dogmatic. His extra-legal activities and interests are considered; the political and vice-regal roles, the ardent nationalism and centralism, the opposition to Zionism. It is an admiring but critical biography, deficient principally in the thinness of historical context and lack of biographical depth. For some time, Cowen has explained, he put aside his manuscript because of the lack of personal papers that 'would throw light on Isaacs as a person'.²⁶ Then came some family correspondence, allowing him to proceed. The letters afford testimony but hardly bring Isaacs alive. The devices of biography, the use of incident, the accumulation of detail, the posing of questions and delineation of interpretive themes to organise the material, are not used.

The same is true of Cowen's shorter life of John Latham.²⁷ It is in fact a potted biography of first the politician and then the chief justice. The politician's views, policies and measures are recorded down to his resignation of the Nationalist Party leadership in 1931, when we are told that his style and character did not make for

²² *Amalgamated Society of Engineers v Adelaide Steamship Company Co Ltd* (1920) 28 CLR 129.

²³ *Ibid* 287.

²⁴ Zelman Cowen, *Isaac Isaacs* (Oxford University Press, 1967).

²⁵ Zelman Cowen, *Isaac Isaacs* (University of Queensland Press, 2nd ed, 1993) vi.

²⁶ *Ibid* xi.

²⁷ Zelman Cowen, *Sir John Latham and Other Papers* (Oxford University Press, 1965).

popular appeal; but that style and character are never examined. The prim manner, dry delivery and uncompromising rigour of his parliamentary performance — one journalist described him as ‘the last proud scion of a long line of pokers’²⁸ — pass unnoticed. Latham’s narrow legalism and unhappy relations with colleagues on the High Court are related, and his judicial performance judged competent rather than distinguished. ‘I think he was much in love with the career he carved out for himself’, Cowen decides on the basis of conversations with him at the Boobook Club of which they were both members.²⁹ This is memoir, not biography.

One of Latham’s tribulations, until resignation from the High Court to enter federal politics, was Herbert Evatt. Evatt has attracted a number of biographers but none of them deal satisfactorily with his decade on the bench. Ken Buckley decided to treat it separately from the biography he and colleagues wrote fifteen years ago, but that supplementary monograph did not appear.³⁰ Peter Crockett makes some perceptive observations about the way this solitary, intense, overbearing and vulnerable man channelled his sympathies through ideas: ‘he expressed emotions through the law rather than revealing them naturally’.³¹ But Crockett provides only limited consideration of a few of Evatt’s cases.

Other politicians who progressed to the High Court have also attracted biographies, notably Sir Garfield Barwick and Lionel Murphy. Barwick served seventeen years as chief justice, Murphy more than a decade as a justice; the influential judgments of the former and frequent dissenting judgments of the latter take up a large part of their biographies.³² But Murphy was the last appointee from parliament, and an exclusively legal career is less likely to attract the attention of a biographer. There is a life of Chief Justice Sir Harry Gibbs,³³ and books discussing the work of the Mason and Brennan courts, but both await more substantial studies.³⁴ A former High Court judge who then served as Governor-General, Sir William Deane, is the subject of a biography that concentrates on his difficult relationship with the Howard government,³⁵ whereas Sir Ninian Stephen, who served less controversially in the same office, has a legal festschrift.³⁶

²⁸ Quoted in my entry on Latham in the *Australian Dictionary of Biography*, vol 10 (Melbourne University Press, 1986) 3.

²⁹ Cowen, above n 27, 58.

³⁰ Ken Buckley, Barbara Dale and Wayne Reynolds, *Doc Evatt: Patriot, Internationalist, Fighter and Scholar* (Longman Cheshire, 1994).

³¹ Peter Cockett, *Evatt: A Life* (Oxford University Press, 1993) 69.

³² Marr, above n 11; Jocelyne A Scutt, *Lionel Murphy: A Radical Judge* (McCulloch Publishing in association with Macmillan, 1987); Jenny Hocking, *Lionel Murphy: A Political Biography* (Cambridge University Press, 1997).

³³ Joan Priest, *Sir Harry Gibbs: Without Fear or Favour* (Scribblers Publishing, 1995).

³⁴ Cheryl Saunders (ed), *Courts of Final Jurisdiction: The Mason Court in Australia* (Federation Press, 1996); Robin Creyke and Patrick Keyzer (eds), *The Brennan Legacy: Blowing the Winds of Legal Orthodoxy* (Federation Press, 2002).

³⁵ Tony Stephens, *Sir William Deane: The Things That Matter* (Hodder, 2002).

³⁶ Timothy L H McCormack and Cheryl Saunders (eds), *Sir Ninian Stephen: A Tribute* (Melbourne University Publishing, 2007).

The chief exception to this neglect of the exclusively judicial life — leaving aside his service on wartime boards and especially the period as Australian Minister in Washington from 1942 to 1944 — is Sir Owen Dixon, the subject of a fine biography by Philip Ayres.³⁷ Given the longevity of Dixon's tenure and his eminence as a jurist, Ayres pays substantial attention to the major decisions and the workings of the court. All of this is illuminated by the picture that Ayres builds up, with the assistance of Dixon's diaries, of an austere perfectionist whose impatience with human frailty extended to personal relations. My friends in the Melbourne Law School are critical of these dimensions of the work, regarding them as digressions, and also with Ayres' obiter dicta on Dixon's strict and complete legalism. As a non-lawyer, I find these dimensions of the work particularly valuable. This is a fully realised portrait of a judicial career.

Some of the same qualities are apparent in Blanche D'Alpuget's life of Sir Richard Kirby, an acting judge of the New South Wales Supreme Court, then a member of the Arbitration Court and finally — after Dixon's High Court ruled in 1956 that the Arbitration Court breached the separation of powers³⁸ — the first President of the Conciliation and Arbitration Commission.³⁹ The novelist's skills are apparent in the handling of Kirby's formative experiences and personality, and the evocation of ambience. That striking down of the Arbitration Court came after Dixon's eyes fell on the wig tin of its Chief Justice at a judicial convention in Sydney in 1951 and was affronted by its inscription, 'Kelly CJ'.⁴⁰ Kelly is the subject of a highly original study by Braham Dabscheck, which combines a theoretical analysis of arbitration and a sharply pointed sketch of his subject's beliefs to interpret his decision-making.⁴¹

Mark Finnane's recent biography of J V Barry, civil libertarian, criminologist, historian and member of the Victorian Supreme Court, is another impressive work.⁴² It is perhaps the most fully contextualised judicial biography. By this I mean that it relates both the life and the legal life, and makes each enhance the other. It is attentive to time and place; it captures what is distinctive to the activity and the vocation, and how it was practised by this individual. It clearly has significance for legal scholarship, for it reveals the vector of forces that operate in judicial determination, and in doing so it breaks down the unhelpful popular polarisation of judicial activism and strict legal interpretation. It also provides a bridge to the discipline of history as practised in Australia, which pays insufficient attention to the law. And it lends itself to the art of biography, that most challenging of literary forms.

³⁷ Philip Ayres, *Owen Dixon* (Miegunyah Press, 2003).

³⁸ *R v Kirby; Ex parte Boilermakers' Society of Australia* (1956) 94 CLR 254.

³⁹ Blanche D'Alpuget, *Mediator: A Biography of Sir Richard Kirby* (Melbourne University Press, 1977).

⁴⁰ *Ibid* 141.

⁴¹ Braham Dabscheck, *Arbitrator at Work: Sir William Raymond Kelly and the Regulation of Australian Industrial Relations* (Allen and Unwin, 1983).

⁴² Mark Finnane with the assistance of John Myrtle, *J V Barry: A Life* (University of New South Wales Press, 2007).

Judicial biography is an undeveloped branch of scholarship in Australia. We have a long tradition of writing the lives of judges, either as a form of legal history or because the life extended beyond bar and bench. The first type of biography is generally narrow and institutional, dominated by the exercise of the office and consisting largely of the judicial record. I'm not sure that its full potential has been utilised, for that would require greater attention to the prosopographical method.

The second is written for a broader readership, more interested in the public career than the operation of the courts. I suggest that this is a stunted genre, languishing for want of a satisfactory treatment of the judicial function. The law reports are not sufficient. Just as the life of a novelist requires more than plot summaries and that of a scientist more than recital of the notable papers, so the judicial biography has to rest on something more than the case method. But it cannot disregard this essential quotidian activity. Rather, the challenge is to bring it to life, to reveal its patterns and show its animating purpose. By such means the biographer makes the judicial personality illuminate the life of the law.