

## Australasian Gay and Lesbian Law Journal

Vol. 5, June 1995; Federation Press; \$20 per issue.

I have a particularly acute experience of the intersection of gay identity and the law. Having spent several years working in fields where I was permitted the luxury of focusing almost exclusively on gay agendas (first as a cultural studies academic then as a television researcher/producer for the Channel 4 television series 'Out') I decided to return to legal studies and was, a year ago, admitted to practise law. After graduating, I got a job at a prominent city law firm (which, coincidentally, is famous for the gay personalities who have peopled its corporate corridors). Only months after I began work, a book I had edited, *The Good, the Bad and the Gorgeous: Popular Culture's Romance with Lesbianism*, was published. I did a lot of publicity for the book when it was released and, to my undying horror, was overheard on the radio by a senior partner of the law firm while he was driving home.

So, I am gay and I am now a lawyer. I feel amply qualified to review Volume 5 of the *Australasian Gay and Lesbian Law Journal*. Hell, I've even been published in the *Journal* myself.

I am thrilled that there is a publication of this sort available. The *Journal* is an enterprise towards which I feel an enormous amount of goodwill — which perhaps makes me more critical than someone for whom it means less. To me, the *Journal* seems to lack an identity (ironic, for a publication which is precisely about asserting identity). It feels to me as if it is thrashing about, trying to find a focus. Its content is patchy and the various contributions, in this issue at least, ill-matched.

There are individual gems. One of the areas in which I practise is employment and industrial law and I thought the case study of a man who was forced to resign ('constructively dismissed') from his job as a result of being outed at work, was just great. It does not have great literary merit — the subject matter does not lend itself to that. But it is an important case, and one that needed to be reported.

This raises a critical question about the *Journal*, a question which is not addressed in the text itself. Who are its readers? Is this *Journal* written for academic post-modernist theorists? Or is it supposed to be useful for people who happen to do real legal work? No doubt my slip is showing. I do have a bias. What I would like is for the *Journal* to be a kind of lesbian and gay looseleaf service, reporting cases and law-making which impact on the lives of lesbians and gay men.

Unfortunately, the *Journal* is trying too hard to be like other law journals. Far more space is dedicated to those ponderous theoretical treatises by legal academics and 'wannabes' (in this volume of 95 pages two articles are 42 pages and 23 pages, respectively), while the really useful stuff (the six-page case note on sexual harassment) is tucked away, like an afterthought.

I also found it hard to decipher the selection policy exercised by the editorial committee. One article, 'A Legal Remedy for Sexual Injustice', presented the argument that anti-vilification laws should be extended to address 'hate speech' against women. So far so good. I was astounded, however, that what was advocated, in a completely uncritical way, was the suppression of

pornography, without even a nodding acknowledgement that it is gay pornography which, more than any other variety, is the subject of state censorship and repression and that it is gay pornography which has historically provided gay men, at least, with publicly available representations of their sexuality. What is this article doing in a gay journal?

Equally curious was the appearance of the article on s.28 of the *Local Government Act 1988* in Britain. Curious, because the Act has now been around for over seven years and tens of articles have already been written on it. So why this, why now?

I realise it's a bit unsporting of me to take such a sneering tone. But the *Journal* feels like a wonderful opportunity missed. The case note on workplace harassment I intend to photocopy and distribute in the firm where I work. But as the *Journal* is, I could never lobby for the firm's library to stock it — not because of its subject matter but because the *Australasian Gay and Lesbian Law Journal* just doesn't connect with the everyday practice of law. Am I the sort of reader the *Journal* is intended to address? Because, for me, it just failed to illuminate.

DIANE HAMER

*Diane Hamer is a Sydney lawyer.*

## Police Informers: Negotiation and Power

by Rod Settle; Federation Press; 1995; 288 pp; \$35.00.

If the system of criminal justice is a social construct then the way to proceed, if we are to change it, is not by imposing some logic on it from above . . . but by dissecting it and deconstructing it from below: to analyse the practices which constitute it as a field of power, their sources, effects and the myriad networks of power and knowledge they enter.

So begins, and ends, Rod Settle's book on police informers. Russell Hogg's dictum, Foucauldian in its conception and phrasing, seems in one way or another to have suffused radical criminology in Australia: this work is no exception.

But of what does Foucauldian criminological analysis consist? Do you begin by adopting Foucault's non-juridical model of power in order to develop a fuller and more complex study of crime? Or do you simply study crime

and then at some stage draw the conclusion that Foucault's model of power is the most accurate?

I am not sure: but this book, not entirely successfully, tries to do it both ways. Settle says up-front that his 'research focus' into police informers is 'loosely in line' with Foucault's thought, in preference to a legalistic model of informing. But instead of then being content to show us a deconstructed-from-below policing that we have not seen before, he reaches for a profound climax. Settle says that his real intention is to show that in the context of managing informers, the law may be seen as one amongst many disciplines which are 'consensually-validated definitions of the substantive content, techniques and agents of specific discourses'. This of course is pure