

lack of skill as a criminal was attested to by the six-part series detailing his criminal exploits run by Melbourne *Truth* in 1966. A detective interviewed by the *Herald Sun* claimed that Ryan 'bungled every job he ever did and was caught every time,'⁵ while the *Australian* chose to remember him as a 'Small-time crim [who] was last to hang'.⁶

Dickins has created a likable character in Ronald Ryan, but his focus on the man himself obscures the principles at stake with respect to capital punishment. The choice of whether to hang or not cannot be based on whether a man loves his mum. Dickins' play *Remember Ronald Ryan* did bring the man to life again in an arguably appropriate

forum. Unfortunately, *Guts and Pity* does not add much to this picture.

SUZANNE CHRISTIE

Suzanne Christie is a Sydney student of law and popular culture.

References

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2. Hawkins, *Beyond Reasonable Doubt*, ABC, Sydney, 1977, p.20.
3. *Sydney Morning Herald*, 4 January 1967.
4. Tennison, *Defence Counsel*, Hill of Content, Melbourne, 1975, p.116.
5. *Herald Sun*, 27 December 1965.
6. Earnshaw (ed.), *Remember When . . .*, p.69.

Thinking About Law Perspectives on the History, Philosophy and Sociology of Law

*edited by Rosemary Hunter, Richard Ingleby and Richard Johnstone;
Allen & Unwin, 1995; 254 pp; \$29.95.*

One of the introductions to legal theory that I was expected to read as a first-year law student was Dennis Lloyd's *The Idea of Law*. After the first chapter entitled 'Is Law Necessary?' (answer: yes), that book goes on to display a great fondness for the process of dividing the world into that which is law, and that which isn't. Chapters have the following titles: 'Law and Force', 'Law and Morals', 'Law and Justice', 'Law and Freedom', 'Law and Custom' and 'Law and Society'. Law, according to this metaphysic, is the great social priority; and the truth of law's importance can be discovered by measuring it against those amorphous concepts which seem to exist only so that they can be known by the jurist: force, morals, justice, freedom and so on.

This is a powerful framework, but it is one which is not always helpful for people who are seeking an introduction to legal thought. *Thinking About Law* envisages first-year law students as its readership, and prefers instead to come at law from the outside — which is, after all, what the law students themselves are doing. It starts off not with metaphysics but with a complex story, written by Penelope Mathew, Rosemary Hunter and Hilary Charlesworth — a history of law in Australia which concentrates particularly on Aboriginal law and native title. It is an arresting opening, involving a brisk and rela-

tively detailed discussion of the principles in *Milirrpum v Nabalco*, *Coe v Commonwealth* and *Mabo (No. 2)*, but it is an opening which at a basic level encourages an untrained student to think around the conventional dichotomies — to reflect, for example, on the way law is implicated in social and political histories, on differences between competing legal systems, and on the shiftless nature of legal doctrine.

In each subsequent chapter the authors maintain this emphasis on narration as opposed to taxonomy, talking not about what law 'is' or 'is not', but rather about what law does, or more precisely about what different groups of people do with law. This is particularly true for later chapters on the enforcement of rules, judicial decision making and the law reform process, where competing theoretical models (positivism, functionalism, pluralism, realism etc.) are explained almost entirely through illustrative case studies and summaries of research. (By contrast, the book curiously avoids any genealogy of English legal institutions, preferring to present concepts such as 'the rule of law' ahistorically.)

Thinking About Law devotes considerable attention to the views of non-lawyers, in particular those of the economist and the sociologist (see Richard Johnstone, 'Economic and Sociological Approaches to Law'). The

decentring of law and privileging of the outsider is, of course, a political gesture which more than anything else distinguishes this book from, say, *The Idea of Law*. Where Lloyd asks 'Is Law Necessary?', Hunter *et al.* ask instead: 'What is a liberal?' (p.42). Instead of 'Law and . . . ' Hunter reverses the formula: ' . . . and law'. It is a political gesture which leads into what is by far the longest chapter in their book, 'Objecting to Objectivity' (Gerry J. Simpson and Hilary Charlesworth) — a clear and precise catalogue of marxist, CLS, feminist and postmodernist legal theories. The chapter starts by explaining that the approaches to law which it describes:

are reactions against the accepted, traditional mythology about the nature of law that is imbibed by law students, expounded by judges and legislators, assumed by practitioners and which comforts the general public. [p.86]

I am not sure what a first-year law student would make of this sort of tough talk, but it does not continue into the body of the chapter and appears nowhere else in the book. It serves only as a reminder that this introduction to legal thought can afford to dispense with bravado, such is its intellectual force. *Thinking About Law* is challenging and cohesive, with detailed and helpful notes and suggestions for further reading. I hope it finds its way on to many law school reading lists.

JONATHAN MORROW

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Hard Target

*by James Adams; Michael Joseph Limited (Penguin Group)
1996; 309 pp; \$19.95.*

Here's an oddity — a novel which bills it's hero, David Nash, as 'Thriller fiction's new cyberspy' and yet which features only token cybertech which that same hero is very much less than comfortable with.

Having just finished Neal Stephenson's excellent *The Diamond Age*, a true cyber novel, I was looking forward to a thriller with a high tech edge and the silver embossed computer chip on the cover of 'Hard Target' promised just that. However it quickly became apparent that neither Adams nor his hero had more than a vague idea about computers. Adams is clearly attempting to cash

in on the wave of hype pushing the Internet, but having your novel star a guy who's computer skills add up to self-admitted 'gulf of ignorance' is probably not the best way to do that.

After only a few pages both Adams and Nash reveal themselves as technophobic, and it gets worse as the novel progresses. Every possible computer cliché is dragged out, from a database that contains all known criminal knowledge to a Virtual Reality helmet that gets Nash hot and sweaty it's so real.

The bizarre thing is that the technology is a sideshow to the main story, and guns and gore have much more to do with carrying the story forward than anything else (see the movie 'The Net' for another example of this kind of thing). A gang of incompetent gangsters somehow manage to almost setup a new nation by using biological weapons (a new strain of the plague believe it or not) to hold the world to ransom. And it is most gratifying to see that the gang-

sters are a mixture of Russians, Japanese and Koreans. Racial stereotyping anyone? The cold war is over but the enemies remain the same.

Add to the mix some atrocious writing, a feature of which is a desperately scripted romantic interest ('How would she ever get to know this enigmatic man?'), an underground spy network called 'Spandau' (Maxwell Smart where are you when we need you), a penchant for espionage acronyms and some rather too graphic descriptions of violence and plague after-effects, and you have a novel to be avoided at all costs.

Perhaps the scariest thing comes in the final lines (don't worry, it doesn't spoil it):

One thing was certain — Spandau would be back. Well, so would he.

Help! A sequel!

CHRISTIAN MCGREGOR

Christian McGregor wishes Devo would tour again.

Cunning FOG index or the Coleman-Liau Grade Level. Despite this I am willing to recommend *Plain Language for Lawyers* as an interesting, edifying and useful read.

MICHAEL EASTON

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Everyday Law

by Stella Tarakson; The Federation Press 1995; 291 pp; \$14.95.

As a kid, I remember my mother giving me the type of advice that mothers give — don't speak with your mouth full, pick your clothes up off the bathroom floor, be back before dark, etc., etc.

There were various punishments for disobeying these orders, perhaps I wouldn't be allowed to watch the A-Team, or Dr Who, but in general the punishment fitted the crime and I could comprehend why these things were bad.

However, there were some things that stepped outside of this set of rules: advice that was delivered in such a grave way, that I understood, even as a child, that these were not areas in which to test my independence — don't open the door if I'm not here, never go near that man's house at night, etc., etc. At the time it was hard to understand what was so different about these crimes. The full realisation would take many years to develop.

It was with a similar tone that I remember my mother once saying to me 'Never have anything to do with the law if you can help it'. This was good advice. Unfortunately, no one can help it. Some people will make a career of trying (usually criminals), but most of us will try to live within its bounds. Increasingly, the complexity of the legal system is making the task of living within its bounds difficult for all but the specialist. *Everyday Law* attempts to address this issue.

Everyday Law presents itself as a user's guide for living under Australian law. It is written expressly for the non-lawyer, and makes no assumptions about the reader's legal knowledge. Jargon is kept to a minimum, except where it serves to explain the type of language that you might encounter, and a glossary provides a quick point of reference for any terms that may have been forgotten.

Everyday Law is divided into three major sections each of which is further

Plain Language for Lawyers

Michèle M. Asprey; Federation Press 1996; 241 pp; 2nd edn, \$30.00 softcover.

Your average cynical lawyer might approach this book expecting a load of facile, tiresome, banalities squeezed from the pen of an underemployed, quixotic ex-Esperanto enthusiast.

They would be pleasantly surprised. In a well-written, witty and extremely readable book Michèle Asprey describes what plain legal language is, argues for its importance and provides practical advice for drafting legal documents that replace obfuscation with clarity.

According to Ms Asprey the secret to Plain Language, legal or otherwise, can be encapsulated in three words — consider your reader. How does she fare when judged by her own standard?

To appeal to the weary lawyer who spends the day immersed in dreary legal language she writes in a chatty style illuminated by the odd sardonic aside, well-chosen quotation and oblique reference. Unlikely as it may seem, given the rather dry topic, it is possible to read this book from cover to cover and enjoy it. An extensive index also enables it to be used as a reference book.

Of course lawyers want the facts, the evidence and the precedents along with a convincing argument before they will

believe anything. This book demonstrates research of considerable scope.

Ms Asprey canvasses national and international moves to eradicate legalese. She quotes studies demonstrating the economic benefits of plain legal language. She surveys plain language policies, the rules of legal interpretation and efforts to legislate for intelligibility. Cases where the clarity of language has been an issue, such as *Commercial Bank of Australia v Amadio*, are analysed. Legal precedents on specific questions such as the use of punctuation and the future tense are included for those reluctant to let go of hallowed legal clichés.

Finally, as all lawyers have their feet firmly on the ground, they want some practical advice. But watch it, they'll walk away in a huff if they think they are being patronised. Michèle Asprey does not provide templates or set little tests, but engages the reader in a discussion of issues such as vocabulary, grammatical structures, legal affectations, textual organisation and document design.

I didn't have the time to subject her prose to the precise statistical analysis of the Flesch Reading Ease test, the