

**Kayleen M Hazlehurst (ed) *Crime and Justice: An Australian Textbook in Criminology*, Sydney: Law Book Company, 1996.**

Editing a single thematic work comprised of 17 chapters produced by 21 authors is a daunting task in any discipline. That *Crime and Justice* is no exception is indicated by the five years it took to produce the book. With such a spread of time and contributors there are aspects of the result which are most impressive. The contributions are all current and remain centred on the themes of crime and justice. If quantity of references is any indicator, there is also great depth of reading and scholarship. Yet there are many features which must leave the reader a little disturbed.

*Crime and Justice* is, of course, a textbook and not a set of particularly profound academic papers. As such its worth exists in its functional usage rather than any great contribution to the body of knowledge. The work cannot be expected to cover new ground, although it is reasonable to expect that it will at least cover old ground in a new manner. There is little of this, despite an attractive format with helpful little boxes informing the reader of the core ideas and, at the end of each chapter, posing questions for further thought. Yet for whom is it intended? In the preface it is claimed that it is written for 'new students'. However, it is very unusual for 'new students' (ie first year sociology students) to undertake anything other than Sociology I. If it is intended for students in their second or third years, then it is at times peculiarly elementary. There are a great many statements (that there is a culture of corruption in the police force, that stigmatisation is related to the formation of criminal sub-culture, and so on) which can hardly be of great surprise to students who at least read newspapers.

Indeed, there is a tendency throughout the book to refer to things in rather simplistic terms. Colonial justice was most certainly unpleasant, particularly for the recipient, but this can hardly be surprising when the context of New South Wales as a prison colony is considered. Likewise, to state that the negative effects of drugs has not prevented their use totally misses many of the factors involved in drug usage. Such simplicities sometimes reach the extent of inaccuracies. It is stated, for example, that the New South Wales Independent Commission Against Corruption was established in response to corrupt activities within public administration, but this avoids the central politically partisan issues of the establishment of ICAC. That the Commission later captured its designer does not render the motivation behind its creation any more honourable. In similar vein it is asserted that governments pass Acts, Reuter was born in 1816 in West Germany, and Chicago is on the east coast of the United States. Such inaccuracies betray sloppy scholarship.

Along with being inaccurate, simplicity also produces a lack of critical

attention to the subject matter. This is particularly disturbing in a sociologically based discipline such as criminology which is predicated upon a notion of critique. There is constant use of the word 'criminals' which although accurate (questionably so in the absence of a conviction despite the commission of an offence) is rather redolent of a Murdoch tabloid approach to criminal justice: there are good guys and there are bad guys. The constant use of such a term reinforces notions of inflexibility in social behaviour and inherent recidivism. Likewise the phrase 'Australian citizens' is used in a rather stars and stripes substitution for 'Australians'. One need surely not have taken out Australian citizenship to be a valued member of the Australian community. That the FBI have files on computer crime is hardly of great significance when it is considered that the FBI have files on everything from communist agitators to the little green men on Mars. Similarly, it is fine to commend community policing of the superhighway but to do so should be done cautiously so as to avoid the temptations of vigilantism. This is acknowledged elsewhere, but for some reason 'computer crime' is removed from the risks of self-policing. A final point, although there are others, is the treatment of minority groups in criminal justice. There is extensive discussion on Aborigines, People with Intellectual Disabilities, the Elderly, and Ethnic Minority Groups whilst Gays and Lesbians are subsumed under 'other Minority Groups'. Thus marginalisation continues apace.

Further examples of an uncritical approach may be found in many of the illustrations used. It is one thing to reprint photographs from the *Courier-Mail*. It is quite another to give them totally unquestioning captions, particularly when the *Courier-Mail* clearly obtained them directly from the Queensland Police Public Relations Department. The reader is treated to, inter alia, photographs of 'Sergeant Ken pointing to a high break and enter location in Brisbane', some nice policemen helping (not throwing) a suspect into a paddy wagon, a police diver triumphantly holding up a gun found in the Brisbane River (relax you can sleep safely tonight), 'Constable Pauline Dixon leading her guard dog through the training circuit' (she's got a nice smile so she can't be corrupt), and a cardboard policeman acting as 'a reminder that shoplifting is illegal' (but not the pervasiveness of the organs of the state). Even less critical is a truly horrendous cartoon of a courtroom scene which serves only to emphasise the popular impression of defence lawyers as telling any possible lie so as to save the skin of their obviously guilty clients. Such absence of academic or social criticism is extremely disturbing.

*Crime and Justice* is a textbook in criminology, not criminal law, and is thus wedded to sociological notions of crime. That a law student feels frustration with aspects of this reflects more on the nature of the law than of sociology. Nevertheless, a sociological book based on what remains a legal issue needs to make certain concessions to the law. A step towards this would be to indicate jurisdiction after the citation of legislation. Yet more importantly, as a sociological work, it needs to make the law

accessible to non-lawyers. There are many attempts to do this, some of which (such as the structure of criminal courts), are successful, but many of which presume too much knowledge. There can be few 'new' non-law students, for example, who would understand the phrase 'mens rea' or the constitutional niceties of divisions of power between the Commonwealth and the States. Likewise, it is unhelpful to state that the age at which a child is legally responsible is eight in Victoria. Aside from the details of the doctrine of *doli incapax*, what does this mean for a non-Victorian student? The presumptions are not restricted to legal issues - the Milperra bikies' massacre is also taken as assumed knowledge. With first year students having been born in 1979 this is absurd. All of these criticisms are worsened by the irritating sociology habit of not referencing statements of fact.

Nevertheless, *Crime and Justice* is not a bad book. There are excellent treatments of domestic violence, Japanese crime rate factors, causes of increases in crime figures, juvenile justice, homicide, causes of crime (although sheer greed is predictably omitted), differences between criminal and civil law, correction and the corporatisation of prisons. It will undoubtedly be a useful text for sociology students with little knowledge of criminal justice. It is certainly a useful piece of reading for uncritical and naïve law students for whom 'criminals' still wear black hats. It is unlikely, however, to produce much positive and needed change to the many problems of criminal justice but in this it is trapped in its discipline. It is a discipline which can produce excellent critiques of staid and unproductive norms but tends to provide many fewer practical solutions to such 'crises'. In the latter point, at least, *Crime and Justice* continues a long-standing tradition.

**Henry Long**