

Russell Hogg and David Brown, *Rethinking Law and Order*, Sydney: Pluto Press Australia Ltd, 1998.

It is interesting that the authors of this book agreed to write it over a decade ago, for its publication is timely, seeming particularly relevant to some of the concerns and issues which have troubled Australian people in the most recent of times. An increasing proportion of the populace are expressing dissatisfaction with the policies of the major parties in all areas, including law and order and issues peripherally linked with it, such as race relations and firearm ownership. Yet constant, popular complaint about the ineffectiveness of existing law and order policies in Australia has seemed only to perpetuate a demand for a more strongarm approach to security, policing or sentencing tactics, rather than considering the nature and causes of that response, or questioning the completeness or accuracy of the information upon which it is based. In *Rethinking Law and Order*, Russell Hogg and David Brown, who have both written widely in the fields of criminal law and criminology, do more than simply debunk widespread fallacies about law and order. They carefully expose the framework of misunderstanding, misinformation and influence which creates a social and political environment conducive to acceptance of certain law and order philosophies. They also set out to offer instead a more responsible and holistic approach to law and order, one which attempts to address causes of crime by encouraging a more cohesive and inclusive society.

The authors have elected to write one single, co-authored body of work rather than divide up the material between them. This is successful in terms of writing style, which remains consistent throughout the seven chapters, but repetition has not been entirely avoided. Perhaps the feeling of repetition one gets is caused by the authors' insistence on frequently using invented terminology to define their argument, the most recurrent example of which is "commonsense", which the authors use to label the set of popularly entertained but frequently baseless assumptions about crime and punishment. It seems unwarranted to supplant this already connotative term with new meaning, and it might even be suggested that the need to use created terms like "commonsense", "uncivil politics" and "social knowledges" demonstrates an overly academic, sociological approach which is unnecessary given the otherwise accessible writing style.

The most convincing work to be found is in the book's first half (the second, third and fourth chapters), for it is in these three chapters that the authors are able to systematically deconstruct some prevailing "commonsense" myths and offer alternative pictures of the actual existence, occurrence and treatment of crimes, constantly founding their models in statistics and survey data (while ever acknowledging a certain amount of unreliability), as well as theoretical and research studies

collected from a wide variety of sources. The matter-of-fact way in which the commentary is always anchored in this factual data and research material is commendable – the calm, rational argument with empirical support lies in direct contrast with the knee-jerk, often emotive, responses to crime experienced in popular law and order debate. Further, it indicates considerable literary skill: the wealth of reference material in lesser hands could have proved dull, but here it is always well synthesised into a very convincing case.

What, then, are the “commonsense” notions so successfully deconstructed? In chapter two, Hogg and Brown begin with a succinct denunciation of what the authors list as seven of the most enduring themes in law and order “commonsense” mythology, including the mantras, “soaring crime rates” and “we need tougher penalties”. These are convincingly exposed as questionable assumptions which have impeded proper law and order discourse, having achieved their potency through repetition and simplicity rather than empirical verification or substance.

The authors also examine the patterns of interpersonal violence in Australia. They are critical of the sensational, alarmist image of increasing numbers of evil individuals who perpetrate violent attacks on random, unwitting victims, and present in its stead the far more realistic and prevalent models of social, confrontational violence among young males and intra-familial violence. The importance of this analysis to Hogg and Brown’s argument cannot be underestimated: by focussing on the well-known image of the pathological, violent stranger, traditional law and order policies have often ignored or forgotten the “hidden” violence which is not usually caught by the criminal justice system – it is a perfect example which supports the argument that hyperbole and sensationalism have diverted attention from deeper rifts in societal institutions.

Hogg and Brown also deal with economic crime, which they describe as “criminal behaviour motivated by desire for material gain”. They again reveal originality and insight in their approach, going beyond the obvious “street crime” property offences to canvass such behaviours as fraud against the government, white collar crime, corporate or collective crime and organised crime, and the chapter is a stark revelation of the way in which our perceptions of criminality – almost invariably bound up with images of balaclavas and crow-bars rather than neckties and bankbooks – have affected the criminalisation of some behaviours over others. The best skill demonstrated is that of contrast, which highlights the skewed perception and prejudice in this area: for example, the dichotomy which frequently sees social security fraudsters publicly castigated while a far more lax attitude prevails towards the keenly practised crime of tax evasion, even though it is the latter which causes more loss to the public purse. My one criticism is that in this “criminal economy” chapter the authors might have made some reference to issues associated with the recent global ascendancy of telecommunications and information technologies (most specifically, the Internet) which must surely be the most

flourishing potential arena for "white collar" criminal activity.

The second half of the book, contained in chapters five to seven, is perhaps a little more ambitious in its aims than the size and style of the work really allow, but is nevertheless an interesting read. The most disappointing part is that which attempts to furnish some international political perspective without actually being a comparative analysis. The authors have rightly identified the law and order issue as being an increasingly electoral one, and broadly outline five key political positions (from neo-conservatism to neo-liberalism), focussing on how the governments of the United States and Great Britain have dealt politically with law and order issues. The tone in this part of the work tends to be a little gloomy: attention is drawn to these countries which have often markedly failed in their attempts to effectively control or prevent crime, where a more expansive discussion of the various countries in the world which have negligible crime rates would have been appreciated. Obviously, undue optimism would be unhelpful, and it is important to learn from the mistakes of other nations, but an encouraging analysis is never really made about what low-crime countries like Switzerland and Japan (which are noted but not fully examined) are doing right in their legal and social approaches to crime.

It is in the penultimate chapter that the authors reach what is perhaps their most important point, because it explores what appears to be a far more serious and destructive problem than any vague, popular concern about rising crime rates: that of the very real and widening socio-economic divide which is threatening social cohesion in Australia today. The authors carefully track Australia's political and economic history in the past several decades, and identify the burgeoning role of free market economics as the major force propelling governmental decisions and policies, lamenting the modern assumption that a nation's social well-being must necessarily flow from its economic well-being. It is in this section that *Rethinking Law and Order* strays quite far from law and order issues *per se* to look at looming threats to social cohesion such as the contemporary ascendancy of the political Right, exemplified (if not at least partly spawned) by the scaremongering and divisive tactics of the One Nation Party and its leader. This diversion is not totally unwarranted, because it contextualises crime and reinforces the undeniable links between socio-economic disadvantage and criminal activity, but it must be said that the discussion of phenomena such as entrenched unemployment, a class of "working poor", income inequality and family breakdown are not entirely married with the primary topic of law and order.

The final chapter deals with the authors' thoughts on future crime prevention and an improved criminal justice system, although given the weight of the foregoing, these seem a little cursory by the end. Perhaps owing to the nature of the argument, it is difficult to divine precisely the content of any general conclusion as to what should be done about law and order in future. It certainly involves government putting aside blind

economic rationalism in order to accept, rather than shirk, its social obligation to avoid the emergence of an "underclass" which is marginalised from conventional social institutions. It also involves the citizenry adopting attitudes of acceptance of diversity and inclusion in order to cement the bonds of community, and the theory of "associative democracy" (wherein a plurality of social institutions – not just law – govern different spheres of people's lives) is touted. Such conclusions are far from flimsy, but really only provide a launching pad for substantive policies which would give these ideas practical effect; and how that effect is to be achieved, particularly in light of the ever-present "commonsense" mantras, remains to be seen.

As for corporeal matters, *Rethinking Law and Order* is visually appealing in its layout and design, although the copious headings and subheadings do sometimes detract from, rather than enhance, the lucidity of the discourse. The Harvard referencing style is relatively unobtrusive and the endnotes are thankfully restricted to a sparing few. Add to this its easy-to-read typeface and A5 paperback format and it is clear that the book is a very accessible volume. One of the best features of the book is the wonderfully comprehensive bibliography, evidence of the authors' able methodology and an invaluable starting point for further research.

I would very much like to recommend *Rethinking Law and Order*, but the question remains: to whom? The authors' approach is an interdisciplinary one, criminology itself crossing paths with, *inter alia*, sociology, jurisprudence, criminal law, economics, political science and statistical analysis; and whilst it might be argued that a scholar in any of these fields could be frustrated with a lack of specificity, this is perhaps a necessary sacrifice in a work of this nature. The book (and particularly its second half) might be a little heavy-going for someone with only a passing interest, but I would basically accord with the general readership suggested by Hogg and Brown in their preface, comprising those concerned with contemporary issues, politicians and policy makers and those with a special interest in crime and law and order debates.

*Rethinking Law and Order* is an insurgent, thought-provoking analysis of popular (mis)conceptions of crime and criminal justice paradigms in Australia, culminating in an earnest argument for a reconsideration of current approaches. Ultimately, one finishes this publication with the alarming realisation of the ease with which we may unquestioningly consume from popular media and political sources a certain picture of the state of crime in this country and the knee-jerk responses to it; and while whole industries, institutions and interests continue to thrive on that picture, it seems little will be done to effectively address actual crime problems and actual causes of crime. This book does not dispense any simple antidote to law and order problems – often it raises more questions than it can answer and the authors are the first to point out some inconsistencies and difficulties in their own argument. But by daring to challenge the simplistic "commonsense" rhetoric and by identifying the fraying of

Australia's social fabric as the real source of crime, *Rethinking Law and Order* goes some way towards encouraging a more thoughtful approach to law and order, which is precisely what it sets out to achieve.

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