

who provide services or care to children or who work with children. Once I got over my sense of myself as a reviewer of academic works, I was able to settle more comfortably into what the book aims to do: to provide a serious alert for parents, families and educators about real and possible dangers for children in the contemporary world and to provide knowledge and skills that can be proactively adopted to ensure the greater overall safety of children.

Emeritus Professor Briggs has had a long-standing and illustrious career and has received many accolades and awards, including Senior Australian of the Year in 2000, an Order of Australia in 2005 and the Governor-General's Centenary Medal for outstanding contributions to Australian society in child protection and early childhood education in 2003. One senses, however, that she has never moved too far away from the totality of her grounded experiences in police work, teaching, child protection work and legal court work with child abuse victims and that these are the experiences that truly drive this book as they have much of her other work (Australia Network, 2011; McDonald, 2013). At times, particularly in regard to child sexual abuse, the book felt relentless to me in its presentation of information deemed relevant by Briggs; it speaks directly, simply and explicitly about things we prefer not to think about and it challenges our beliefs that these things happen only to other people and to other people's children. It is alarming and disturbing in its discussion of the potential impact of sexual abuse on children, of the particular vulnerabilities of disabled children and of child sex offenders and predatory behaviours.

A key message of Briggs is that child sexual abuse is predominantly perpetrated by people who are known to the child and to the family; and that children are vulnerable in many of these close-to-home contexts. At times, I felt myself doubting all the information being presented and wanting to challenge the book's messages; surely things can't be quite as bad as this out there in the world! If they are this bad, how can we possibly protect our children from all these dangers! As a parent-reader, it might feel easier to turn away from the book's messages out of an acute sense of powerlessness about how best to protect children and ensure safe, quality

care and passage for them. However, many of us as parents, and I include myself here, have believed that our children are immune to the dangers of child sexual abuse; it is imperative however, as Briggs argues, to resist this denying and complacent approach. After all, we are now having to set up a Royal Commission to investigate widespread institutional and societal failures and inappropriate, perhaps criminal, responses to many children's and family's abuse and suffering. As a parent-reader, I came to see the book, rightly or wrongly, as being about action, about the need to truly accept the real dangers that can confront children, to change parenting and societal approaches in response and to adopt practical, no-nonsense advice which can help enable all children to lead safer lives. These were my reactions only, however, and it would be very useful and interesting I believe to hear how a range of parents understand and experience Briggs's book.

My final word as a reviewer of the book is as a mother of two daughters, rather than as an academic. I have asked myself how I might have received this book when my girls were young and whether it would have impacted positively on my/our parenting. While my concerns and angst would no doubt have been significantly raised by reading this book, I believe it would have impacted positively and proactively on my parenting at the time: it is therefore an exceedingly valuable addition to parenting book collections.

References

- Australia Network (2011). *Interview with Freda Briggs* Australia Broadcasting Commission (ABC) <http://australianetwork.com/nexus/stories/s1882631.htm> Site accessed 12 December 2012.
- Department of Prime Minister and Cabinet (2012). *Royal Commission into Institutional Responses to Child Sexual Abuse* <http://childabuseroyalcommission.dpmc.gov.au/> Site accessed January 2013.
- Macdonald, J. (2013). *My Life: Freda Briggs* <http://writtenbyjackie.com.au/project/my-life-freda-briggs> Site accessed 5 December 2012.

Courts and Judges on Trial: Analysing and Managing the Discourses of Disapproval

Schulz, Dr Pamela D. (2010). Publisher: Lit, Berlin, Paperback, ISBN 978-3-643-10621-6. 29.95 Euros, A\$32.95, 290 pages

Reviewed by Andrew J. Cannon, Professor of Law at Muenster University, Germany and Flinders University, South Australia, Deputy Chief Magistrate and Senior Mining Warden South Australia

doi 10.1017/cha.2013.9

This book is a broad ranging and in-depth discussion of the relationships between courts, politicians and the

media. The author combines her practical experience as the first public relations and information officer with the

Courts Administration Authority in South Australia with in-depth research as a communications analyst. This has revealed interesting information about the motivations and methods of journalists, politicians and judges in the swirling manipulation of notions of *Law and Order*. This has implications for community confidence in the court system and the rule of law in modern democracies. She concludes by offering some practical solutions to the problems she has identified.

Courts have no direct power over citizens and merely mediate executive power by validating arrest on charges, authorising the exercise of the power of fining or imprisonment, and quantifying and collecting judgement debts. To effectively perform their work, courts depend upon the confidence of the public in the judicial process. There are very few judges, and relatively few cases, especially in the common law system, so the overwhelming source of information for the general public about courts is the media. Yet the media often selects the bizarre and sensational rather than the serious. As Schulz says, '[i]f it bleeds, it leads', and content is selected on the basis of the 'four C' principle: courts, cops, crime and conflict (Schulz, 2010). She contends that in a Western world of relative safety, the media and politicians have created a climate of fear of violent crime to prop up their relevance. Crime is depicted as a major problem and 'tough on crime' is the simplistic solution. Part of this process is to make stories newsworthy by finding cases where there is discontent about the result, which is then beaten up as part of a discourse of disrespect against the judicial process as a whole. Straight reporting is demoted in importance in preference for conflict, problems, and simplistic answers.

Schulz develops her discussion through the discipline of critical discourse analysis. This is a communications study method that looks for the sometimes unstated meanings in communications by looking for patterns of words and phrases and their proximity to each other and conversely by what is systematically avoided or suppressed. She identifies a general discourse of *disapproval* of courts in the media that has developed into discourses of *disrespect*, *diminution*, and *direction*. This leaves judicial officers feeling marginalised and threatened, whilst politicians have joined in so that they can be seen as saviours from the problem, which is largely a media construct. Schulz identifies the use of the technique of 'othering' by which a small group is branded and demonised so that the majority can find a sense of unity in coming together with a sense of rectitude to eject them. This technique, of course, has a long unhappy history, and the marginalisation of the judiciary has always been a first step in the process. In this instance, the technique has been applied first to criminals who should be locked away for longer and to judges who fail to do this to them.

Her interviews of politicians demonstrate a disconnection between their stated understanding of, and commitment to, the rule of law and the independence of the judiciary. At the same time, politicians think that the courts

need 'direction' from them to address changing community standards, especially in sentencing matters, which are the fodder of the press (Schulz, 2010). They acknowledge that the judicial role is not to be popular, but to apply the law 'without fear or favour, affection or ill will' (*Oaths Act 1936*). Although politicians acknowledge the central importance of judicial independence in interviews with the author, she demonstrates that the same approach is often not reflected in public comments made to the media. Whilst it is the work of courts to make nuanced decisions in controversial cases, when they do, this has sometimes been described as 'an unelected and unaccountable judiciary usurping power' (Schulz, 2010). Politicians do emphasise the need for the language of law and judgements to be accessible, and from their comments the author draws the need for a media judge to enter the media arena on behalf of the judiciary to explain their decisions.

She has assessed the view of the judges by discourse analysis of both interviews of selected judges from all levels of the judicial hierarchy in Australia and of their speeches. What emerges is a primary concern about independence, and parallel to this is an inevitable tension between the judge's need to have a relationship of confidence with the community and politicians and the isolation which is inherent in their role. They feel misrepresented and misunderstood.

Schulz uses Foucault's approach to power to suggest that the widespread formation of a negative response is indicative of an emerging challenge to power, which she sees as a challenge by elected government to the authority and independence of the judiciary. Who is leading this dance between the media and the politicians is uncertain, but at this ball the judiciary is the wallflower, and anyway, traditionally it would refuse to dance in this infotainment world of modern media. Not to be involved in the discourse is not to exist and to risk the loss of relevance, power, and the independence that is so valued by the judiciary. At the same time, discourse analysis shows a judiciary that is protective of its own methods and unwilling to join public controversy. The author recognises that a commitment to a rule of law is bound to lead to unpopular decisions. Indeed, it is the judiciary that stands between a tyranny of the majority and populist oppression as they moderate the exercise of governmental power. But many of them, as is typical with the marginalised 'other', feel powerless and are defensive.

Schulz concludes that in the face of headlines about a court judgement such as 'THIS IS NOT JUSTICE – THIS IS A DISGRACE', the present role of a journalist information officer, which entails ensuring accurate information is supplied to media, holding court open days, giving school tours, and speaking at community events and the like, is not sufficient. She says a fully integrated and sustained communications strategy is required, starting with using discourse analysis to identify the misconceptions that need to be countervailed. To address these misconceptions, the author would have press judges, who do not sit so they can engage in discussion of public controversies, and

communication managers, who ensure courts do react effectively to community concerns and express themselves so that they are understood. A range of other measures, such as a road show to showcase the sentencing process, direct access to the community through cameras in courts, and interactive websites, are recommended to make the work of courts accessible and provide contextual information to the few cases the media choose to highlight. Judicial participation and knowledge of discourse analysis is also suggested to further ideas for better communication.

Courts must accept valid criticism and be prepared to remedy properly identified problems. However, Schulz's focus in the damaging discourse about courts that is criticism for ulterior purposes and not based on any merit. Media discourse reformulates rather than reflects reality as the media competes with executive government and the judiciary to

represent justice and the common good. Political and media use of law and order rhetoric undermines public confidence in courts and the rule of law that it masquerades as discussing.

The research on which this book is based is Australian, but the author includes material from the UK, USA, Canada, India and Europe, and the book has a broad international relevance to foster discussion in this important area. It is scholarly but readable for general interest, so the book will serve both as a text for interest as well as a course book in progressive law schools and communications faculties.

Reference

Oaths Act 1936(SA), s 11.

