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# Review

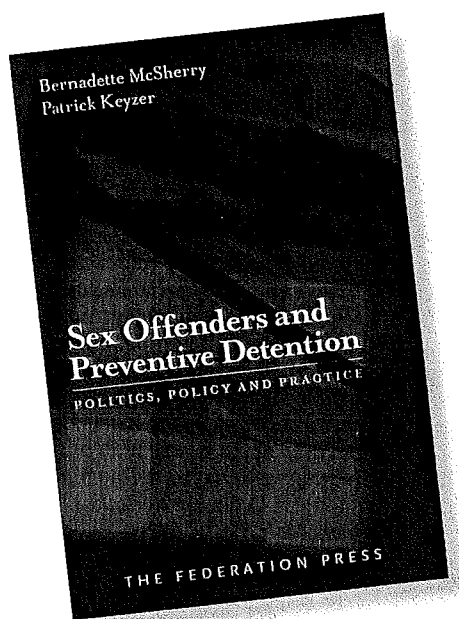
[ edited by June McGowan ]

INFORMATION & IMAGINATION

## Quarantining not the answer

*Sex Offenders and Preventive Detention: Politics, Policy and Practice* by Bernadette McSherry and Patrick Keyzer, The Federation Press, Sydney, 2009, 144pp, \$49.95. ISBN 9781862877634.

By GILLES RENAUD,  
Ontario Court of Justice



of three jurisdictions – Washington State in the US, Queensland and Scotland – in order to answer a number of critical questions touching on the thorny issue of ‘gaol plus non-release’ or ‘gaol plus restricted liberty’ of those identified as posing an undue risk of harm to others.

Ultimately, the authors demonstrate that any scheme aimed exclusively at segregating offenders from society, or impeding their movements significantly upon release, are rarely worthwhile when the sheer costs are calculated in proportion to estimated reductions in rate of offending.

That being said, Professor McSherry, of the faculty of law at Monash University, and Professor Keyzer, of Bond University’s faculty of law, successfully draw out from these three schemes elements likely to promote the public weal by reducing the likelihood of offending – notably by means of focused treatment, and by advancing the need to broaden such schemes to embrace high-risk offenders, not just sexual ones.

In addition, the authors are to be commended for their study of the limits that

should bind such schemes in order to avoid civil liberty violations and transgressions of double-jeopardy safeguards, a theme not likely to garner much widespread public support.

I commend in particular the discussion on ‘Practical issues’, especially the problems raised by the implementation of the Queensland scheme, chiefly as a result of the celerity which marked the adoption of the legislation.

To borrow the words of a text published shortly after (*Principled Sentencing: Readings on Theory and Policy*, edited by A. von Hirsch et al, Hart Publishing, Oxford, 2009), to “quarantine” offenders past their release dates for a potential risk which could be long-postponed and contingent, not to mention difficult to assess at the best of times, is to undermine existing sentencing schemes, while suggesting somewhat bravely that it is likely to afford protection to the community.

This stellar study of a contemporary challenge facing the bench and bar is a worthwhile addition to the shelf of anyone interested in both liberty and a safe community. □

## Futility of kick-start without priming the pump

*The Keynes Solution: The Path to Global Economic Prosperity* by Paul Davidson, Palgrave Macmillan, New York, 2009, 208pp, \$45 (hb). ISBN 9780230619203.

By MARY ROSE LIVERANI, *Journalist*

EVERY RESPONSIBLE AUSTRALIAN ANXIOUS to appraise judiciously government economic policies should be reading this slim volume. By an eminent American economist and academic, it offers a lucid, concise and thorough explanation of the John Maynard Keynes solution to the problem of unemployment, essentially the fundamental economic problem that confronts Western capitalism.

Davidson goes back to taws, explaining that Keynes at university was a thorough-going laissez-faire economist but his subsequent experience of working in

government and in the financial sector (where he made millions), his successful forecasting of the economic disaster that would be wrought by victors’ reparations policies adopted at the conclusion of World War I, and his observations and reflections on the collapse of capitalism in Britain and in the US during the 1920s and ‘30s, developed his theoretical and practical understanding of capitalism’s boom and bust cycle.

Keynes continued to hold to some aspects of classical theory but rejected on both theoretical and empirical grounds its view that labour’s resistance to wage cuts is a major obstacle to maintaining full employment.

He argued that recessions stem from a loss of liquidity, that is, the ability to pay one’s debts as they become due. When this happens, from having a pay reduction,

IT IS WELL-NIGH IMPOSSIBLE TO READ A mass circulation newspaper for more than a few days without encountering a controversial sentencing or parole decision involving a sexual offender. Common to all reports is a comment, or cry, for greater protection and, not infrequently, an exhortation to the judiciary and governments to ‘lock them up and throw away the key’.

With this in mind, the profession can welcome the publication of this small 144-page book which is of signal value in analysing the complex issue of preventive detention: that is, the continued imprisonment or deprived liberty in some form after release, of offenders who have completed their sentence and would otherwise be free to act as they see fit.

The authors turn a critical light on the legislative history, practices and policies