

Both of these titles address the issue of the regulation of criminal conduct. Braithwaite’s collection of essays may be familiar to readers, since it consists of a collection of articles published elsewhere during his distinguished career as Head of Law in the Research School of Social Sciences at the Australian National University, as a member of the Economic Planning Advisory Council, and as a member of the Trade Practices Commission.

A number of the essays in Braithwaite’s collection (particularly Essays 4 and 9) also focus on the issue of corporate crime, a theme that connects his work to Cartwright’s contribution, focussing, as it does, on the regulation of business enterprises through the medium of the criminal law in the interests of consumers and other vulnerable groups. In other respects, Braithwaite’s collection of essays is much broader, inasmuch as it also addresses matters such as delinquency in schools, income inequality and homicide, white collar crime, and the value of republican legal institutions.

Braithwaite admits that the two main foci of his work have been crime and business regulation and in particular, strategies of business regulation. Of particular interest have been the questions: What should be regulated? How should it be regulated? These questions are also addressed by Cartwright.

From the perspective of those concerned with consumer policy, perhaps the most interesting essays in the Braithwaite collection are Essay 6 on preventive law and managerial auditing, and Essay 9 on
transnational regulation of the pharmaceutical industry and white collar crime generally. Significant features of these essays include the role that can be played by consumer groups in increasing pressure on national governments to ensure proper compliance with international regulatory controls on business activities that affect consumers. Also canvassed are ideas on the role that can be played by self regulation of certain trade sectors. The role of regulated businesses in developing a professional approach to regulated activities is also a recurrent theme in a number of essays in this collection. Clearly, the way in which the managerial structure of a corporate concern responds to the demands of product liability laws, laws on occupational health and safety, securities law, and consumer protection laws generally is a matter of critical importance. But if an effective self regulatory system is in place, this will go some way towards securing proper compliance in the consumer interest. The tenor of a number of the essays in this collection is that frequently it is more productive to seek to persuade businesses to comply with regulatory requirements rather than to punish for non-compliance.

However, there still remain those businesses that may fail to reach the professional standards of their competitors and it is arguable whether effective regulatory provisions need to be in place to deal with this eventuality. Of course the proper role and function of these laws requires closer consideration and it is this that is the focus of Peter Cartwright’s book.

The full title of Cartwright’s book suggests that it will examine the law, theory, and policy underlying the use of the criminal law as a means of regulating trading activity in the consumer market place. As the author observes, although the criminal law has been used by successive post-war UK governments to regulate the consumer market place, little has been said, academically, about the precise role that the use of criminal sanctions should play in this important area. The contents page identifies seven broad areas of consideration. These are: rationales for consumer protection; techniques of consumer protection; the role of the criminal sanction; a critique of the use of the criminal law as a regulatory tool; and specific sections on consumer safety, the protection of economic interests, and enforcement. Finally, the author draws conclusions from his detailed study of the various policies and theories that have influenced the continued use of the criminal law as a method of consumer protection.

It has to be said that the majority of critical studies in this field