

Guts and Pity: The Hanging that Ended Capital Punishment in Australia

by Barry Dickins; Currency Press, 1996; 99 pp; \$14.95 softcover.

At 8 a.m. on 3 February 1967, Ronald Joseph Ryan was hanged at Melbourne's Pentridge Gaol for the murder of a warder, George Hodson. Hodson had been killed on 19 December 1965 as Ryan and Peter Walker escaped from Pentridge Gaol. It has been the fact of his execution, the last Australian execution, above all else, which has attracted continuing interest in Ryan's case. The character of the man hanged by the state, as explicated by the press, 'true crime' writers and several television documentaries, helped create Ryan as a figure worthy of esteem. The continuing emphasis of popular culture on Ryan's redeeming features and on the possible miscarriage of justice involved in his hanging have served to demonise the state which hanged him and, in the process, exonerate Ryan. Barry Dickins' new book, *Guts and Pity* joins the collection of books which seek to depict Ryan as a misguided but honourable bloke.

Ryan differs from other criminals whose stories have been regarded as legendary because his criminal career was brief, and his public prominence still more brief. The majority of accounts make note of the fact that Ryan was not convicted of any crime until comparatively late in life. This has not prevented several journalists from searching for evidence of criminality in Ryan's earlier years.¹ Some details about Ryan's criminal career are necessary, perhaps precisely because Dickins is unusually vague about Ryan's criminal career. The portrait painted by Dickins is impressionistic — stole some suit coats here, a couple of mowers there and pounds and pounds of bacon. The real story is, arguably, less entertaining. In the 1950s, after a series of court appearances for forged cheques, possession of firearms and explosives and break, enter and steal offences, Ryan was eventually incarcerated.

In 1964, Ryan was arrested on four counts of shop breaking and stealing (motor mowers) and one charge of possession of explosives. He was sentenced to eight years with no minimum period.

The possibility that he would not see his family for this period of time was said to have distressed him so much he made plans to escape.² It was the death sentence for his escape and his implication in Hodson's murder that brought his case national and even international attention.³

Ryan and his companion Peter Walker were on the run for 19 days. During this time Walker killed a man they had met at a party, fearful he had discovered their identities. Finally the men were recaptured in Sydney and flown back to Melbourne to stand trial. By the time of their capture they were the 'best known men in Australia', but there was a definite gap between notoriety and esteem.⁴ The publicity surrounding the ensuing trial revealed much of Ryan's character, and his death garnered public support for the abolition of capital punishment. Subsequent media resurrections, with their focus on the man himself and the doubts surrounding his conviction, have rendered the notorious man and his death both courageous and heroic. Dickins' picture of Ryan continues this tradition, a tradition established by Melbourne *Truth*, true crime writers and various documentaries. But, Dickins work could have been more critical. The Ryan story requires an examination of the complexities of the individual and the issues raised by his execution, not merely another literary but insubstantial exploration of the Ryan myth.

In 1996, 29 years after the hanging of Ronald Ryan, his death and the circumstances surrounding his conviction still require explanation, perhaps to a new generation, whose government has never ordered the death of its lawbreakers. Amid recurring calls for the re-introduction of capital punishment, the issue remains relevant and worthy of consideration, especially from an historico-legal perspective. To some extent Barry Dickins' new book stands outside these motivations. Dickins has taken his impetus not so much from the issues — legal and social — but from the man himself. Barry Dickins developed a por-

trait of Ryan 'the man' to counter the negative image of Ryan which was created at the time of his crime. Dickins' play *Remember Ronald Ryan* opened at the Playbox Theatre in Melbourne in 1995, and from the material Dickins had amassed comes this book, *Guts and Pity*.

Unfortunately, *Guts and Pity* sits uncomfortably between true crime and academic analysis. Dickins' account is a verbal pastiche which combines opinion, direct speech and an assemblage of lengthy quotations. The author would have been well advised to explain some of the detail surrounding the case, given the time which has elapsed since its prominence.

Some of the material in the book is more appropriate to the play, especially the lengthy monologue, supposedly the thoughts of Ryan on the evening before his execution. The book is well researched and encompasses many of the thoughts attributed to Ryan by his family, warders and other associates, but still, it jars. It is reminiscent of the way in which true crime accounts attempt to recreate conversations to which the authors could never have been privy.

Dickins has had difficulties moving from the more forgiving medium of theatre, which allows for poetic licence to facilitate drama, to the realm of non-fiction where it is not possible to claim, as Dickins does, that Ryan was hanged for the theft of three Pope motor mowers. By writing the play Barry Dickins (re)created Ryan, and it is this incarnation of Ryan who appears in *Guts and Pity*. This can be seen in Dickins' defence of Ryan. It was alleged that Ryan clubbed a Salvation Army Officer on the head as he escaped from Pentridge. Dickins seeks to exonerate him with the rhetorical question 'who but a loathsome hideous criminal would bash up a poor old Salvo?' His creation of Ryan has answered the question; the Ryan of Dickins' construction would never have performed such a crime.

Ultimately, Dickins wants Ryan to be thought of as a 'bungler', a 'pub duffer' and a family man. Dickins is not the first to take such a view. The sympathetic media of the time portrayed Ryan as the object of Irish Catholic bad luck, a man who was basically non-violent and loved his family, especially his daughters. Ryan's apparent

lack of skill as a criminal was attested to by the six-part series detailing his criminal exploits run by Melbourne *Truth* in 1966. A detective interviewed by the *Herald Sun* claimed that Ryan 'bungled every job he ever did and was caught every time,'⁵ while the *Australian* chose to remember him as a 'Small-time crim [who] was last to hang'.⁶

Dickins has created a likable character in Ronald Ryan, but his focus on the man himself obscures the principles at stake with respect to capital punishment. The choice of whether to hang or not cannot be based on whether a man loves his mum. Dickins' play *Remember Ronald Ryan* did bring the man to life again in an arguably appropriate

forum. Unfortunately, *Guts and Pity* does not add much to this picture.

SUZANNE CHRISTIE

Suzanne Christie is a Sydney student of law and popular culture.

References

1. *Truth*, 19 November 1966, *Age*, 21 January 1967.
2. Hawkins, *Beyond Reasonable Doubt*, ABC, Sydney, 1977, p.20.
3. *Sydney Morning Herald*, 4 January 1967.
4. Tennison, *Defence Counsel*, Hill of Content, Melbourne, 1975, p.116.
5. *Herald Sun*, 27 December 1965.
6. Earnshaw (ed.), *Remember When . . .*, p.69.

Thinking About Law Perspectives on the History, Philosophy and Sociology of Law

edited by Rosemary Hunter, Richard Ingleby and Richard Johnstone; Allen & Unwin, 1995; 254 pp; \$29.95.

One of the introductions to legal theory that I was expected to read as a first-year law student was Dennis Lloyd's *The Idea of Law*. After the first chapter entitled 'Is Law Necessary?' (answer: yes), that book goes on to display a great fondness for the process of dividing the world into that which is law, and that which isn't. Chapters have the following titles: 'Law and Force', 'Law and Morals', 'Law and Justice', 'Law and Freedom', 'Law and Custom' and 'Law and Society'. Law, according to this metaphysic, is the great social priority; and the truth of law's importance can be discovered by measuring it against those amorphous concepts which seem to exist only so that they can be known by the jurist: force, morals, justice, freedom and so on.

This is a powerful framework, but it is one which is not always helpful for people who are seeking an introduction to legal thought. *Thinking About Law* envisages first-year law students as its readership, and prefers instead to come at law from the outside — which is, after all, what the law students themselves are doing. It starts off not with metaphysics but with a complex story, written by Penelope Mathew, Rosemary Hunter and Hilary Charlesworth — a history of law in Australia which concentrates particularly on Aboriginal law and native title. It is an arresting opening, involving a brisk and rela-

tively detailed discussion of the principles in *Milirrpum v Nabalco*, *Coe v Commonwealth* and *Mabo (No. 2)*, but it is an opening which at a basic level encourages an untrained student to think around the conventional dichotomies — to reflect, for example, on the way law is implicated in social and political histories, on differences between competing legal systems, and on the shiftless nature of legal doctrine.

In each subsequent chapter the authors maintain this emphasis on narration as opposed to taxonomy, talking not about what law 'is' or 'is not', but rather about what law does, or more precisely about what different groups of people do with law. This is particularly true for later chapters on the enforcement of rules, judicial decision making and the law reform process, where competing theoretical models (positivism, functionalism, pluralism, realism etc.) are explained almost entirely through illustrative case studies and summaries of research. (By contrast, the book curiously avoids any genealogy of English legal institutions, preferring to present concepts such as 'the rule of law' ahistorically.)

Thinking About Law devotes considerable attention to the views of non-lawyers, in particular those of the economist and the sociologist (see Richard Johnstone, 'Economic and Sociological Approaches to Law'). The

decentring of law and privileging of the outsider is, of course, a political gesture which more than anything else distinguishes this book from, say, *The Idea of Law*. Where Lloyd asks 'Is Law Necessary?', Hunter *et al.* ask instead: 'What is a liberal?' (p.42). Instead of 'Law and . . . ' Hunter reverses the formula: ' . . . and law'. It is a political gesture which leads into what is by far the longest chapter in their book, 'Objecting to Objectivity' (Gerry J. Simpson and Hilary Charlesworth) — a clear and precise catalogue of marxist, CLS, feminist and postmodernist legal theories. The chapter starts by explaining that the approaches to law which it describes:

are reactions against the accepted, traditional mythology about the nature of law that is imbibed by law students, expounded by judges and legislators, assumed by practitioners and which comforts the general public. [p.86]

I am not sure what a first-year law student would make of this sort of tough talk, but it does not continue into the body of the chapter and appears nowhere else in the book. It serves only as a reminder that this introduction to legal thought can afford to dispense with bravado, such is its intellectual force. *Thinking About Law* is challenging and cohesive, with detailed and helpful notes and suggestions for further reading. I hope it finds its way on to many law school reading lists.

JONATHAN MORROW

Jonathan Morrow is a PhD student at Monash University.

Hard Target

by James Adams; Michael Joseph Limited (Penguin Group) 1996; 309 pp; \$19.95.

Here's an oddity — a novel which bills it's hero, David Nash, as 'Thriller fiction's new cyberspy' and yet which features only token cybertech which that same hero is very much less than comfortable with.

Having just finished Neal Stephenson's excellent *The Diamond Age*, a true cyber novel, I was looking forward to a thriller with a high tech edge and the silver embossed computer chip on the cover of 'Hard Target' promised just that. However it quickly became apparent that neither Adams nor his hero had more than a vague idea about computers. Adams is clearly attempting to cash