

of European Enlightenment values, her message against Islam was always bound to find resonance, and the responses she provoked say much about the state of Dutch society and politics—ranging from distaste among well-meaning liberals for her stirring up of trouble to conservative Dutch politicians co-opting her as one of their own.

This very specific background is drawn together in Buruma's attempt to make sense of the seemingly senseless: how a bright young second-generation immigrant who once had a Dutch girlfriend and enjoyed smoking marijuana was transformed to a religious fanatic bent on martyrdom. Buruma stops short of drawing conclusions while offering some clues, such as anger at witnessing parents' humiliation, realisation of limited horizons and welfare induced antipathy to Holland.

Despite the tendency to see Islam and Western values as worlds apart, Buruma hints at common elements between the zealotry of Bouyeri, Hirsi Ali, and Pim Fortuyn's murderer. Instead of seeing Islam as an obstacle to assimilation, *Murder in Amsterdam* suggests that problems are more bound up in cultural issues. The role of Islam, which offers identity and status for those who lack belonging and recognition, is ambiguous, having the potential to legitimise opposition to one's surroundings (as with Bouyeri), yet also to serve as a constructive force towards establishing a sense of civic responsibility.

If any criticism can be made of Buruma's approach, it is that he sits on the fence and sometimes tries too hard to find meaning in some of his characters' garble, yet *Murder in Amsterdam* successfully

addresses an emotive and complex issue without oversimplifying. Of the plethora of books on the tension between Western and Muslim values, this one deserves to be read.

Reviewed by  
Joel André Malan

*What Price Security?  
Taking Stock of Australia's  
Anti-Terror Laws*

**By Andrew Lynch and  
George Williams**

UNSW Press  
Sydney, 2006  
95pp, \$16.95  
ISBN 0 86840 909 X

Since September 11, the Australian Parliament has enacted over forty pieces of legislation addressing the threat posed by terrorism. In *What Price Security?*, George Williams and Andrew Lynch attempt to provide a short guide to the most important aspects of this legislation. Between the trial of 'Jihad' Jack Thomas and the much commented on new sedition laws, there has been quite an intense public debate recently regarding Australia's anti-terrorism laws. As Williams and Lynch note, it is difficult for the interested citizen to follow this debate without an understanding of the content and effect of these laws.

The book is divided into six chapters. The first five of these consider in turn each of the broad categories of laws included within the new anti-terrorism legislation: the criminal offences created by this legislation, the new powers granted to the Australian Security Intelligence Organisation (ASIO), the control and preventative detention order regime, the laws burdening freedom of speech, and the different procedures to be observed in the prosecution of anti-terrorism offences. The last chapter is titled, like the book, 'What Price Security?', and offers a brief assessment of the merits

of the legislation, and also the process by which it was enacted.

The new anti-terrorism criminal offences are defined in the Commonwealth Criminal Code, and include offences relating to membership of, receiving training from, and financially transacting with, a 'terrorist organisation', and also engaging in, or preparing or planning, a 'terrorist act'. These terms are defined very broadly, and in the view of Williams and Lynch, too broadly. Nelson Mandela would, for instance, they argue, be considered a terrorist under the Code, and some of the offences criminalise behaviour that may in many cases be merely 'foolish or careless'. Strongest criticised are the offences relating to membership of a terrorist organisation and associating with a member of a terrorist organisation, which as Williams and Lynch observe, significantly curtail the fundamental civil liberty of freedom of association and yet are defined in very imprecise terms.

The new powers granted to ASIO under the anti-terrorism legislation are also subject to criticism. Under the legislation, ASIO is permitted to seek two types of warrant: a 'questioning warrant', and a 'questioning and detention warrant'. Questioning warrants permit ASIO to bring a person before a 'prescribed authority', such as a retired federal judge, appointed by the Attorney-General, and ask him or her questions that relate to intelligence relevant to a terrorism offence for up to twenty-four hours. Questioning and detention warrants grant ASIO the additional

power to detain the person in custody for up to seven days. The person need not be suspected of having committed an offence, or indeed, of any wrongdoing.

This represents a vast expansion of the powers held by ASIO, a fact reflected in its rapidly increasing budget, which has more than quadrupled in the last five years. As Williams and Lynch highlight, ASIO's powers are now more extensive than those granted to intelligence agencies in Canada, the United Kingdom, and United States. Australia alone permits the detention

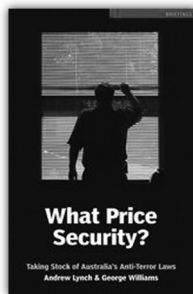
in secret of a person who is not suspected of an offence by an intelligence agency. These expanded powers carry with them, they argue, drawing on the experience of intelligence agencies in the United States, the real possibility of abuse.

Perhaps the most controversial aspect of the recent anti-terrorism legislation is the control and preventative detention order regime. Under this regime, the Australian Federal Police may, with the consent of the Attorney-General, seek 'control orders' and 'preventative detention orders' (PDOs). Control orders may be issued by a federal court, and if confirmed by the court at a contested hearing, remain in force for up to twelve months. They may prohibit a person from, for example, communicating with specific people or carrying out certain activities, and require him or her to remain at a particular place at specific times or to wear a tracking device. The control order served on Jack Thomas, and whose constitutional validity is currently

being challenged by him in the High Court, famously prohibited him from communicating with, among others, Al Qaeda leader Osama Bin Laden. PDOs permit the Federal Police to detain a person in custody initially for up to twenty-four hours, and, if a 'continued PDO' is issued by a serving or retired state or federal superior court judge, for up to fourteen days.

Unsurprisingly, Williams and Lynch are critical of the regime. In a section of the book entitled 'Concerns and Problems', they question first its constitutionality, and secondly the use of the law as a purely preventative tool. As with questioning and detention warrants, the subjects of control orders and PDOs need not have committed, or even be suspected of having committed, a criminal offence. Rather, it is sufficient that the issuer of the order be satisfied on the balance of probabilities that the order would 'substantially assist in preventing a terrorist act'. This is contrary to the well-known dictum of AV Dicey, to whom Williams and Lynch refer, that the rule of law requires that 'a man may ... be punished for a breach of law, but he can be punished for nothing else'.

The new legislation also includes numerous laws that affect freedom of speech in Australia, the most notorious example of which is of course the sedition laws. These laws make it an offence to urge people to engage in certain forms of political violence—for example, to 'overthrow by force or violence' the Commonwealth. As Williams and Lynch note, it is unclear how these laws will protect Australians from terrorism. Rather, they claim, the laws may in fact ostracise particular communities,



push speech advocating political violence underground, and, more generally, have a 'chilling' effect on freedom of speech in Australia. In addition, the legislation alters the procedure to be observed in prosecuting anti-terrorism offences. Williams and Lynch discuss these changes, which relate to the Attorney-General's power to prevent the disclosure of information in criminal proceedings where he or she deems that disclosure would be prejudicial to national security. They also give case studies of three recent trials for anti-terrorism offences.

In the final chapter, Williams and Lynch provide an overall conclusion regarding the merits of the new legislation, presumably based on the criticisms made of it throughout the book. This conclusion is, in short, that while we need anti-terrorism laws, the current laws 'suffer from serious problems'. There is a lack of balance between the security aims fulfilled by the legislation, and the fundamental human rights that it abridges. For this reason, as Williams and Lynch note, a number of parliamentary committees have recommended the repeal or amendment of many of the laws, including the sedition laws and the offence of associating with a member of a terrorist organisation. The process by which the new anti-terrorism laws have been enacted also leaves much to be desired. Too frequently, laws have been rushed through Parliament after each new international terrorist attack without a proper opportunity to consider the merits of the particular laws enacted.

This is an important and well-written book. It is intelligently

structured, and the style, while not elegant, is generally readable. If it has a shortfall, then it lies in the lack of analysis of the arguments in favour of the new anti-terrorism laws. For while the stated aim of the book is merely to describe the new laws, much of it is in fact an evaluation, though often not a very thorough evaluation, of these laws. The reader is sometimes left pondering, well, *what* price security? To what extent do the consequentialist benefits resulting from the Australian government's increased ability to prevent future terrorist attacks due to, for example, the control and PDO regime outweigh this regime's infringement of civil liberties?

On balance, though, this is a very good book, and the concerns that it does raise about the new anti-terrorism legislation are legitimate and deeply disturbing. In the words of Sir Robert Menzies, as quoted by Williams and Lynch, 'the greatest tragedy that could overcome a country would be for it to fight a war in defence of liberty and to lose its liberty in the process'.

Reviewed by Greg Roebuck

*The Economics of Attention: Style and Substance in the Age of Information*

by **Richard A Lanham**

The University of Chicago Press

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326pp, US\$29

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'Any publicity is good publicity': the cliché can be used to summarise both the content and style of Richard Lanham's book, *The Economics of Attention*. It embodies Lanham's argument that style has grown to dominate substance, so that the real base of the economy is now attention rather than goods. It is also typical of the author's energetic and casual prose, throughout which are scattered familiar slogans and buzzwords. Whilst an engaging book, the argument fails to convincingly establish the validity of the new 'economy' claimed by the title.

Lanham's concept of 'economics of attention' involves redefining what he identifies as the classic economic problem—the distribution of scarce resources. He asserts that 'information economics' is a misnomer, as the Western world drowns in information, rather than suffers from its scarcity. Lanham posits that in an economy which is overloaded with information, the scarce resource is not a physical but an intangible one—attention.

The critical skill in such an economy is the ability to 'oscillate' between 'stuff' (physical resources, goods and services) and 'fluff' (style, art, publicity). The term 'oscillatio' is intended to refer to a