Coroners' Courts

by Christopher Dorries

London: John Wiley and Sons (1999) ISBN: 471967211 (385 pages, £40.00)

Aberfan: Government and Disasters

by I. McLean and M. Johnes

Cardiff: Welsh Academic Press (2000) ISBN: 186057033 (274 pages, £15.00)

Corporate Crime

by G. Slapper and S. Tombs

London: Harlow Education Limited (1999) ISBN: 0582299802 (279 pages, £22.00)

Reviewed by Dominic Elliott

This collection of recently published books indicates the growing interest in the areas of corporate crime and manslaughter. Whilst this interest may in part be explained by morbid curiosity, the impact of disaster upon corporate profit and reputation may play a vital role.

An element of the notoriety of Aberfan and Hillsborough is that they represent a rare class of event. Death on such a scale does not occur frequently. Health and Safety Executive (HSE) statistics tell a reassuring tale of declining deaths at work—at a time when a large proportion of the population work. Slapper and Tombs' analysis tells another story: where the HSE report 376 deaths at work, analysis by these authors suggest that even their amended figure of 3018 work related fatalities (1994–5) represents a gross underestimate.

Coroners' Courts

All of us recognise the title but have little more than a vague appreciation of their role. That is, unless we experience death at work or in our personal lives. The coroner plays a vital role in investigating the cause and circumstances of violent, unnatural or sudden deaths with no known cause.

Dorries meets his key objective, which is to guide those professions who come into contact with the coroner on an occasional basis only. Fatal accidents involving employees, customers and members of the public are an everyday occurrence. Indeed, the apparent increase in such accidents has seen the notion of corporate manslaughter well established. Sadly, greater numbers of professionals are likely to be involved in a coroner's inquest. At a personal level, while reviewing this book, a sudden death led to my own involvement in the coroner process—the book provided an invaluable guide as I sought to grasp exactly what was happening and what was to follow.

The book is clearly structured, although Dorries makes the point that each coroner possesses a wide measure of discretion; this means that there is a great deal of variety in practice from jurisdiction to jurisdiction. As a practical guide to the work of the coroner this text makes a

valuable contribution. The penultimate section deals with the special case of disasters, in which Dorries draws upon his own experience following the Hillsborough stadium disaster. Dorries' ruling that in determining the cause of death for victims he would consider only evidence until 3.15 pm on that afternoon proved to be highly contentious. Anecdotal evidence suggests that some of those to die were still alive beyond the cut-off time. The actions of the emergency services and others after this time, therefore, were significant.

Aberfan: Government and Disasters

A timely contribution to the discussion of the relationship between government and disasters. Although the events at Aberfan occurred more than thirty years ago, the authors place the analysis firmly in the context of disasters and the government at the start of the 21st century. The increasing incidence of major loss of life 'events' world-wide, and in the UK in particular, pose questions about the role of government in protecting communities, commuters and consumers.

The first third of the book retells the history of the Aberfan disaster—the tale it tells is new in much of the detail, thanks largely to the authors' analysis of papers released under the 30-year rule. The book then turns to asking what has been learnt from Aberfan. At one level much has been learnt about the management of tips. However, the authors are more interested in what government and corporations have learnt about disaster response. This provides the focus for the remainder of the text.

First and foremost is the move towards the pressing of manslaughter or homicide charges against corporations where there is evidence of gross negligence. A limitation of this is that the public inquiry, a much-employed tool that seeks to identify the causes of major disasters in the UK, may be delayed until the legal process is exhausted. Thus the Southall rail crash investigation was halted for almost two years. Indeed the opening of the Southall public inquiry coincided with the Ladbroke Grove rail accident.

Citing examples from football, railways and shipping, McLean and Johnes conclude that regulation is often more concerned with the regulated rather than with consumers or passengers. Government, they argue, has the duty to play a key role in raising standards and in setting appropriate frameworks, yet history is littered with examples of failure, of too little too late. Regulatory frameworks and the levels of fine create a scenario in which it is cheaper to kill a child accidentally than to maim one—as the authors state, 'such 'incentives' should not be the outcome of responsible law'.

This is a highly readable book, well grounded in relevant data. It provides a rich insight into the response of government to disasters and points to many of the limitations of the legal system in ensuring that victims get redress and in promoting effective learning from crisis.

Corporate Crime

The scope of this book is much broader than ours of corporate manslaughter. It deals with all forms of corporate crime, from manslaughter, to pollution, fraud, trades descriptions, etc. The text challenges the methods in which accident-at-work statistics are collected, arguing that the published figures represent a gross underestimate. Implicit is the view that corporate manslaughter is more common than generally accepted.

In their conclusion the authors consider why the subject of corporate crime in general and manslaughter in particular is under-researched. One problem they identify concerns the value

systems which predominate within business and management schools: individualism and competition are all-pervasive. A second problem concerns the commonly used definitions of violence—which focus upon violence as conventionally defined. Violence committed through the corporate process does not fit such conventional definitions.

The aim of this book is to provoke debate and reflection. Reading it in parallel with the study of Aberfan, I was left with the thought that the public inquiry process is more friendly to corporate groups with the resources to pay for expensive legal representation than to the victim groups. Lack of resources provides one hindrance, and popular perceptions of risk and blame also may work against victim groups. The finger of blame may be reduced to blaming the individual (a driver or policeman) rather than seeing systemic causation arising, in large part, from decisions made in an organisation's 'best interests'.

It seems likely that interest in corporate manslaughter and in government and disasters will continue to grow. The problems of the UK railways are a case in point. These books approach the subject from very different stances. *Coroner's Courts* is a factual depiction of the coroner process. *Corporate Crime* offers a valuable overview of a disparate literature, yet manages to reveal the limitations of existing methods of measuring corporate crime and manslaughter. Such measurements are easily altered, and it may be that as legal definitions change more organisations will come into contact with the coroner. *Aberfan: Government and Disasters* is perhaps the most chilling. It suggests that, as a society we are slow to learn, apart from the most basic and obvious lessons, from disaster. It emphasises the need for a human response from organisations at fault, at the very least an ability to say sorry and recognise guilt. Sadly it seems as if we have much to learn.

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