

REVIEWS

more complex questions. What were the responses to State intervention in families affected by child welfare agencies (and also those not so affected)? What was the active role they played in this process?

The second part of the book explores these questions empirically. The development of Australian child welfare history is divided into four periods. The initial chapter deals with the role of children in the first period, colonial Australia, and the official response to 'neglected and destitute children'. In the second period, 1840-1890, the book examines how developments in working class culture and politics helped to found a State social policy of producing 'good and useful men and women'. The third period examined is 1880-1915, and here the beginnings of a rationalisation of child welfare are explored. This chapter also examines the State's response to Aboriginal child welfare, a treatment which indeed fits the classical 'social control' model. The final empirical chapter outlines the development of a more scientific approach to child welfare, and the reliance on psychological and psychiatric ideas to explain the causes of and solutions to problems among children and young people.

Children and the State is a challenging book in a number of different ways. It is directed at two audiences — those interested in child welfare issues and welfare state practices, and those interested in key debates in historical sociology. The sophisticated language and argument, however, mean that, particularly in the theoretical sections, the casual reader may have some difficulties in assimilating the central ideas. On the other hand, the grounded historical sections do offer interesting information and interpretations of the role working class people played in child welfare.

Of special interest is Van Krieken's argument that the majority of working class men and women had their very own good reasons to be committed to sobriety, cleanliness, punctuality, orderly behaviour, etc., without the

coercion of middle class reformers. In other words, elements of working class culture affecting large sections of the working class proper overlapped with the values and sentiments of middle class reformers. This argument directly challenges some of the 'social control' perspectives which view the relationship between the classes as basically one-sided.

A second contentious issue addressed by the author is that of the character of the child welfare system itself. Rather than seeing it solely or primarily as a 'negative' form of 'social control', Van Krieken suggests that the effect of the extension of State involvement in family life very much depends upon the specific issues (e.g. Aboriginal children) and the specific circumstances within which policies are designed and carried out (e.g. the push to de-institutionalisation).

This book has much to commend it for those who want more than simple descriptions of child welfare. It offers a sophisticated analysis of the construction of child welfare policies and institutional practices. Furthermore, it critically discusses the theoretical underpinnings of mainstream child welfare research and provides new conceptual insights into this area of social analysis.

The main reservations I have are to do with the presentation of the material, and the overall direction of the alternative analysis provided by Van Krieken. While the theoretical discussion is welcomed, the technical language in which it is couched may be offputting for some readers. It is not a 'light read' by any stretch of the imagination.

Children and the State is nevertheless a stimulating and solidly argued book which provides valuable insights into the history of child welfare in Australia. It is also a book which needs to be read carefully; for the complexity and subtlety of the argument used to support a view of society which itself warrants further critical attention. This is particularly the case for issues surrounding the reproduc-

tion of inequality, oppression and exploitation over time, and the structures of Australian society which create the conditions for the injustices in child welfare that do occur.

ROB WHITE

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ADOPTION AUSTRALIA **A comparative study of adoption legislation and policy**

by P. Boss and S. Edwards;
National Children's Bureau of
Australia, Mulgrave, Victoria, 1992;
\$35 (plus \$7 p&p).

Adoption of children has existed since structured society began, although the motivation has varied from society to society as have the methods and consequences. In English and in early Australian colonial society *de facto* or informal adoptions were not uncommon, although the motivations were often mixed and at times highly suspect by modern standards. The law was slow to regulate these delicate relations. Western Australia led the way in 1896 but, broadly speaking, the other States did not follow suit until the 1920s. They then followed a fairly uniform pattern and the accepted principles and the social background remained relatively static until the dramatic changes of the 1970s. Then with the availability of supporting parent pensions, changes in contraceptive knowledge and in general social and religious attitudes, fewer children became available for adoption and there has been a dramatic challenge to the concept of secret or closed adoptions and a strong but uneven movement toward 'open' adoptions.

Consequently, this work by Professor Peter Boss and Ms Sue Edwards of the National Children's

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Bureau of Australia is timely and most welcome. For the first time in Australia it draws together the laws and practice of adoption in this country. It is a most thorough work which examines both the similarities and diversities of the legislation in a calm, cool and analytic style.

The format is to set out a most useful summary of the history of and general legislative provisions for adoption, and then in Part 2 to analyse the legislation and practice of each of the States and Territories. This Part has been done in such a way that the reader can either examine the details of the particular State or Territory or just as easily follow through a particular aspect and compare and contrast the laws and practices which apply.

It is a matter of considerable concern that in a homogeneous society like Australia there should be such differences in fundamental social legislation. The book constantly highlights these differences including:

- The Queensland procedure under which the adoption is entirely administrative.
- The legislation of the Northern Territory which is rather sparse.
- Notable variations on fundamental questions such as whether the consent of the father of an ex-nuptial child is required, the availability of counselling for relinquishing mothers, the circumstances under which consent of the child is required and the question whether conditions may be attached to the adoption by the relinquishing parent.
- The treatment of 'special needs' children and adoptions of children of Aboriginal background.
- The criteria for eligibility of adopting parents especially in relation to marital status, *de facto* and single adoptees.

The most significant single issue discussed in this book is the move towards open adoptions and availability of information. As everybody inter-

ested in adoptions is all too well aware this debate proved a painful process during the 1980s and the legislative response still varies markedly from State to State.

My only critical comment is that I felt that the text on step-parent adoptions was confusing and a surprising omission was the absence of reference to s.60AA of the *Family Law Act* which requires the leave of the Family Court before a step-parent adoption may proceed in a State court.

The authors and the Bureau are to be congratulated on the thoroughness of their work. It is to be hoped that those concerned with the administrative and legislative aspects of adoption in the various States and Territories will take the opportunity to read this work carefully as the case is compelling for much greater uniformity of the laws and practice Australia-wide.

JOHN FOGARTY

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If you are interested in reviewing a book, please contact the Book Review Editor, Judith Bennett, on (02) 232 5944 (work), fax (02) 221 5635 or c/o Law School, University of Sydney, Sydney NSW 2000, DX 983 Sydney. Please give a brief outline of your background and interests.

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- Phillip Swain and Shurlee Swain (eds) *To Search for Self: The Experience of Access to Adoption Information*, The Federation Press, 1992, \$27.00 (sc).
- Chris Cuneen (ed.), *Aboriginal Perspectives on Criminal Justice*, The Institute of Criminology Monograph Series No. 1, Sydney, 1992, \$20.00 (sc).
- Janet Chan, *Doing Less Time: Penal Reform in Crisis*, The Institute of Criminology Monograph Series No. 2, Sydney 1992, \$25.00 (sc).
- Paul Ludeke and Brad Swebeck, *Enterprise Bargaining: A Practical Approach*, The Federation Press, 1992, \$25.00.
- Kathy Prokhovnik, *The Strata Titles Handbook*, Redfern Legal Centre Publishing Ltd, 1992, \$10.95 (sc).
- Robin Bryant, *Conveyancing Manual for New South Wales*, Legal Books, International Business Communications Pty Ltd, 1992.
- John Eekelaar, *Regulating Divorce*, Clarendon Press, Oxford University Press, December 1991, \$27.95 (sc).

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- Peter Gillies, *Business Law*, 4th edn, The Federation Press, 1992, \$49.95 (sc).
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- Gary Heilbronn, *Travel and Tourism Law in Australia and New Zealand*, The Federation Press, 1992, \$125.00 (hb).

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