

The most fascinating aspect of Blackshield's essay is his discussion of the High Court's willingness to find an implied right of freedom of speech and expression in the Constitution. Blackshield poses the question that if six High Court judges can decide that 'Commonwealth laws cannot unduly restrict discussion of Commonwealth political issues' then within a representative democracy there is every chance such a concept may 'potentially extend to all aspects of Australian life'. Blackshield's essay is illuminating and incisive and his grasp of constitutional issues ensures that his essay provides any potential reader with a balanced analysis of the issues facing the High Court over the next decade.

Part two of *Developments in Australian Politics* focuses on Australia's public policies, its processes and shaping bodies. This part is of more relevance to the general reader than the earlier essays. Particularly interesting are Winton Higgins' 'Industry Policy' and Barbara Sullivan's 'Censorship, Pornography and Sexual Politics: New Issues, new Conflicts'.

Perhaps my only reservation about *Developments in Australian Politics* is its intention to appeal to the general reader. While this is an acceptable aim I feel it may have restricted several of the contributors from approaching their

subjects in a more theoretical fashion. In particular, I feel the analysis given to the role of the media and the politics surrounding media policy in Australia suffers because of Rodney Tiffen's decision not to expand his essay beyond a summary of media ownership and the relevant broadcasting policy.

In short I feel that the editors should have focused on providing either a politics text or a reference for the general politics reader. To attempt to do both has resulted in a weakening of what is in essence an illuminating perspective on Australia's political process and the framework in which it operates.

*Developments in Australian Politics* 'focuses on the changes of the 1980s and early 1990s, it places these changes in a broader historical context in order to capture long-term structural developments and to isolate what, if anything, are more recent ones'. I strongly recommend this text to any politics or public policy student. While I feel it won't necessarily shape political science teaching in Australia for the rest of the 1990s, as the back cover synopsis claims, it is an important contribution to Australia's political readers.

#### BEN WAY

*Ben Way is studying Arts/Law at Macquarie University. He is a student of several of the contributors to Developments in Australian Politics.*

## Juvenile Justice — Debating the Issues

*Edited by Faye Gale, Ngaire Naffine and Joy Wundersitz; Allen & Unwin, 1993; 224 pp; \$22.95 softcover.*

It is no easy task to bring together a range of contributors with a variety of backgrounds and mould the result into a readable and useful whole. Faye Gale, Ngaire Naffine and Joy Wundersitz have done just that in producing *Juvenile Justice — Debating the Issues*.

The genesis of the volume lies in a workshop which brought together a range of experts in the area of juvenile justice. The workshop was arranged around several themes: philosophical perspectives, policing, informal processing of young persons, and the court system itself. Contributors to the book include police officers, social workers, members of the judicial system, social workers and academics, all of whom brought their particular experiences of and perspectives on the issue of juvenile justice, and how best it could be ensured, to the workshop.

*Juvenile Justice* begins with an overview of the juvenile justice system and its pitfalls. Joy Wundersitz questions whether juvenile crime really is escalating, suggesting that there is little empirical evidence to support the popular and media view that juvenile crime is 'out of control'. The chapters by Ngaire Naffine, John Pratt, John Seymour and Kathy Laster examine competing ideologies in this field. The tensions between the welfare and justice approaches, the community view of children and the implications for this within the justice system, and the impact of political and economic ideology, are presented in some depth. Given the relatively lowly status and minimal resourcing of juvenile justice within current political priorities in Australia, it is hardly surprising but nevertheless worrying to note Laster's conclusion that '... the system of justice [could

not] cope if the young (or adults for that matter) insisted on their rights in practice'. Why should they not be entitled to so insist?

The chapters by Christine Alder and Linda Hancock examine the effects of police attitudes and policing approaches on the juvenile justice system. They raise questions about the level of police violence toward young people (particularly Aboriginal and other marginalised youth), the discriminatory use of the cautioning system, and the use of independent witnesses in police interviews. Hancock suggests there remains a gender bias against young women in police use of welfare applications.

Michael Barry analyses the South Australian experience of informal approaches to dealing with juveniles, while Ken Polk presents an overview of a variety of such alternatives. With a growing popularity since the 1970s, such approaches are based on the premise that they '... are best located beyond the framework of the traditional juvenile justice system'. Polk suggests, however, that such programs raise critical issues of social control and net widening. Diversion, he argues '... will continue to represent an expansion of the coercive control mechanisms of the state'.

Finally the role of the court system, arguably central to the juvenile justice system, is analysed by Rod Blackmore, Michael Hogan and Garth Luke. Blackmore examines the influences on reform of the juvenile justice system, and presents a useful list of suggestions which, if implemented, should dramatically transform the experience of the court system for young people. Despite being compiled by Blackmore in 1990, they remain relevant — a fact that suggests that the right of young people to due process receives scant regard in practice. Blackmore's comment about the 'cotton wool approach of dewey-eyed social workers' to the court system and juvenile justice caught this 'dewey-eyed' social worker by surprise, but perhaps reflects the image that social workers can sometimes present within the justice system. The comment highlights the need for a collaborative understanding between the many players and philosophies — including those of the law, police and social work — in the juvenile justice system.

In his essay, Garth Luke examines the justice model and its application to NSW, while Michael Hogan questions whether the move in the children's court

jurisdictions to an approach to justice more closely resembling an adult model, is appropriate. He argues strongly for retention of children's courts as separate jurisdictions.

In summary, *Juvenile Justice — Debating the Issues* is a valuable resource for the practitioner and student alike. Its presentation in four and allows for easy focus on the issues of importance to the particular reader. The book provides a good analysis of a range of approaches

and philosophies, not always congruent, from the many disciplines involved in the identification of, policing of and response to juvenile crime.

Nevertheless, the book leaves one with a sense of dismay that the rights of juveniles to due process, and to the other citizenship rights which we adults take for granted, are so often ignored or inadequately protected. Perhaps, as Michael Hogan suggests, a re-commitment to the ideology of '... social

justice — with its commitment to equity, fairness, rights and access to services' is called for. In both the adult and the juvenile systems, and regardless of political or economic philosophies, such an ideology ought not to be in question. It still is for many young people in the Australian juvenile justice system.

PHILLIP SWAIN

*Phillip Swain teaches social work at Melbourne and La Trobe Universities.*

## Letter

Dear Editor,

Frith Way's review of Helen Garner's *The First Stone* ((1995) 20(2) *Alt.LJ*) cannot pass without comment if only because of its misrepresentation and fallacious arguments. Please allow me to respond in your journal and provide a different perspective on both *The First Stone* and Frith Way's review of it.

In the section headed "Sit Down Girlie" on legal issues from a feminist perspective Jess Ticolate is also highly critical of *The First Stone* but she does offer to listen to contrary views. She says 'a bit of controversy never scared Girlie off'. Let's hope not!

P.J. Lynn

## Power and jackboot feminism

### *An alternative review of The First Stone*

Your reviewer Frith Way (FW) reveals lack of objectivity, if not hostility, in her first sentence when she rejects Garner's alleged born again liberalism. Born again or otherwise, the question is not her politics but whether her book achieves what she claims — to examine questions about sex and power in the context of the Ormond incident. In my view Garner does this extremely well.

FW is quite right when she states that *The First Stone* has generated an intense amount of interest — but the reasons are not just the interesting mix of sex and power. The prime reason is that the book examines a grave injustice which has pained, angered and puzzled many peo-

ple — and caused a further feminist diaspora.

Garner argues persuasively that the life of the Master of Ormond College has been ruined by the disproportionate response of the complainants' actions. FW's answer is in essence to dismissively state that while it may have been preferable to use conciliation, it was appropriate for the police to become involved. The victim — a man acquitted of the charges, has endured ignominy and his family have suffered immeasurably. FW puts this to one side in her eagerness to maintain the myth of the female victim.

Garner's main thesis is that the allegations were *never* a matter for police intervention — no matter that the bureaucracies were slow to respond. In my own view it was hardly a matter for the bureaucracies either, but who can thwart the feminist vice squad on the march?

Curiously for a self-confessed young feminist, FW finds 'galling' the patently evident truth that men sometimes put their hands on women's breasts. I presume she also finds galling the fact that women sometimes seduce men. FW calls this harassment — but she is using her own Frith-in-Wonderland definition. The Collins Concise English dictionary defines harass as — 'to trouble, torment or confuse by continual, persistent attacks...' By any stretch of an ideologically hidebound imagination, it is difficult to see any question of harassment in the Ormond College incident.

Contrary to FW's inference, Garner is *not* saying it is okay to grope a woman, or a man presumably; just the sensible notion that breast touching may be boorish. It may also in certain circumstances, of course, be delightful; but whatever it is, it does not fall into the category of criminal behaviour. FW more seriously accuses Garner of churlishness. Not so — there is nothing surly or niggardly in *The First Stone*. On the

contrary, there is a wrestling with a serious issue in which many people have been hurt. Perhaps churlish is a more apt description of FW — for here she displays the certainty of a Jehovah's Witness, with the same rigidity of thinking, lack of subtlety and a dash of unwarranted condescension to 'the old timer' Garner who in her younger days handled boorish behaviour herself instead of exacting retribution through the legal system.

The reviewer alleges that Garner takes insufficient account of the circumstances in which the incident (not harassment) took place. On the contrary, they are examined in great detail and it is partly *because* of the circumstances that Garner clearly demonstrates the gross over-reaction to an alleged boorish incident. FW says of the complainants that '*going to the police was a last resort . . . the women didn't jump, they were pushed*'. The unanswered question is who pushed them?

FW lets her ossified ideological cat out of the bag when, almost reluctantly, she says that 'attraction between teacher and student is inevitable but for a teacher to act on it is inappropriate'. Well! What a wonderful counsel of priggish perfection — lets make a law against it! Teachers, sometimes very young ones, and sometimes students (not-so-young), do attract each other and even (heaven forbid) fall in love. But, says FW, censoriously, '*when the advances are not wanted (it is ) offensive*'. Of course it is! Who would argue otherwise? There may be an offence, but not a criminal one. FW does, however, dimly recognise that students are not completely powerless — she seems not to recognise that Masters are not all-powerful either!

The reviewer is concerned about complaints legislation being '*a dodgy pistol and not an AK-47 . . . they act as a deterrent but they fire blanks*'. This might well be true but her analogy with