

and interesting. In addition the *Pickle Street* theme song and the introductory jingles to the 11 episodes sound painfully similar to the beginning of daytime soap operas.

System requirements are fairly basic: a multimedia 486 IBM PC or compatible with MS Windows, 8 megabytes of RAM, 256 colour video, sound blaster or compatible sound card and a dual speed CD rom drive. If run on the

Macintosh, the minimum requirements are an operating system of 7.1 or higher, 8 megabytes of RAM, a 256 colour video and dual speed CD rom drive.

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Judicial Review of Administrative Action

by Mark Aronson and Bruce Dyer; LBC Information Services, 1996; 1022 pp; \$115.00 softcover, \$145.00 hardcover.

Administrative law, write Aronson and Dyer in their first chapter, represents an important institutional component in the attempt to achieve a just society. Not only is it an important component, it is also a fascinating one, rich in issues and connections. Control of government power by the courts involves considerations of the balance of power between Parliament, the executive and the judiciary, as well as of ideals such as fairness, accountability, participation and openness. What standards are required by the concept of procedural fairness? Who should have standing to challenge administrative decisions? Should decision makers be required to give reasons for their decisions? On what grounds and to what degree should courts be able to review administrative action?

Control of government power by the courts also has links with changing conceptions of the state. There is a current trend for government to downsize, privatise and contract out. An important question arising from this trend is the extent to which the courts can control the exercise of public powers by private bodies.

One difficult issue facing any author setting out to write a book on administrative law is where to draw the line. Administrative law is not just about judicial review. It is also about freedom of information legislation, privacy legislation, ombudsman review and administrative tribunals. An even broader vision might include chapters on decision-making theory, rule making, public administration, regulation and a sociological consideration of the impact and effect of administrative law on society. Of course, no work could adequately discuss all these topics. The authors have recognised this and have limited their book to the core of administrative law — judicial review of administrative action. While narrower in

breadth than some competing administrative law texts, the result of their efforts is a well-structured work.

One strength of *Judicial Review of Administrative Action* lies in its detail. Each chapter contains a comprehensive explanation of principles and leading cases. Provision of detail is particularly useful in a field of law which continues to face change and in which many issues remain unsettled. Aronson and Dyer's work has space to accommodate and explain these competing views. In addition, the footnoting of cases is extensive, providing quick access to relevant authorities for those who need to pursue issues further.

A second strength of the book is that it is not just a statement of the law. It is also a work rich in ideas. The most exciting chapter from this perspective is chapter 3 which considers the scope and nature of judicial review. The chapter explores the limits of power which judicial review exists to enforce, the source of the courts' power to engage in judicial review, the relationship between judicial review and parliamentary sovereignty, whether judicial review extends to the exercise of powers by regulatory or non-statutory bodies, the extent to which administrative guidelines, codes of practice and explanatory circulars may be reviewed,

whether judicial review extends to cover government contracting, and emerging new principles of judicial review. One topical issue discussed in this last section is the impact of human rights on judicial review. Chapter 8, which provides an overview of the scope and duty of procedural fairness, follows close behind chapter 3 in its presentation of ideas.

A third strength of the work is its referencing to other materials. Just as the text is well footnoted with cases, so too it is well footnoted with journal articles and books by past and present commentators, as well as with reports by various bodies. One set of reports, for example, which the authors incorporate well into their discussions of statutory and judicial developments are those of the Administrative Review Council. Chapters 3 and 8 again lead the way, with many references to Australian, English and North American materials. However, the other chapters of the book, which deal with the substantial components of administrative law, also cite helpful specialist works where appropriate.

The back cover of Aronson and Dyer's text promotes the book as one in which the authors have drawn on a wealth of legislation, reports and other literature to provide both a highly detailed exposition of the subject and an exploration of its underlying principles and theories. Sometimes one is disappointed to find that what lies between the covers does not quite live up to the blurb. However, this is not the case here. *Judicial Review of Administrative Action* is a leading work in its field. It is highly recommended to practitioners who need to locate their clients' complaints within existing administrative actions, to advocates who need to both know specific cases and understand general themes, and to students who wish to research issues and explore ideas.

BEN ZIPSER

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Talk of the Devil: Repressed Memory & the Ritual Abuse Witch-Hunt

by Richard Guillatt; Text Publishing, Melbourne, 1996; 296 pp; \$16.95 softcover.

This book addresses two crucial questions. First, is there such a thing as a 'repressed memory'? Second, are children in Australia being ritually abused

by satanists? The questions are important because in a number of cases in Australia people have been tried, and sometimes convicted, on charges aris-

ing out of the alleged ritual satanic abuse of children; or in relation to events allegedly occurring when the complainant was a child, the 'memory' of which the complainant had only 'recovered' as an adult. Many of the cases share both of these features: that is, the childhood events which had been 'repressed' by the complainant involved ritual satanic abuse.

As the title of the book suggests, Guilliat's answer to both of the questions is 'no'. This is, of course, to oversimplify his case. A fuller answer to the first question would be that 'repressed memories' are generally unreliable, that they can be and often are implanted or encouraged by therapists, and that the theory of repression remains just that: an unproven theory. A more complete answer to the second question would be that the allegations of those claiming to have been victims of ritual satanic abuse are inherently implausible; that if the allegations were true then independent evidence to corroborate them would have been discovered; that numerous investigations have failed to uncover any such evidence; so that if ritual satanic abuse does occur it must be an isolated and unusual phenomenon. If the final part of this answer is correct, then most of those who believe themselves to have been the victims of ritual satanic abuse must clearly be mistaken, no matter how sincerely their beliefs may be held. As Guilliat acknowledges in his Foreword, this is clearly a controversial argument.

Some readers will undoubtedly decry this book as an attack on women and another chapter in the backlash against feminism and the rights of children. I can only reply that I do not in any way aim to cast doubt on the great majority of sexual assault victims who have always remembered their abuse. Nor do I seek to suggest that all repressed memories are unreliable. But questions must be asked about a system which allows people to be brought before the courts charged with bizarre and heinous crimes for which there is very little material evidence.

Unpalatable as it may be, Guilliat's argument is a compelling one, including both a detailed examination of a specific case involving the two features described above, and a more generalised critique of the evidence which supposedly shows that repressed memories are reliable and ritual abuse widespread. The case chosen for de-

tailed examination is the widely-covered 1994 trial in Bunbury WA, in which the two daughters of a 65-year-old retired school principal claimed that they had been subjected to ritual satanic abuse of the most horrifying nature over a period of several years by their father and several of their male relatives. The daughters admitted that they had not always remembered the abuse, but had instead 'recovered' their 'memories' of it through therapy. To say the very least, Guilliat raises significant doubts about the reliability of these 'memories', and serious concerns about the therapeutic processes which led to their 'recovery'.

The chapters focusing on ritual satanic abuse and repression in general are probably more important to Guilliat's overall argument than the Bunbury chapters, but they lack some of the latter's narrative drive. In them, Guilliat attempts to trace the growth of concern about ritual satanic abuse first in the United States, and later in Australia, and to show that the actual evidence of ritual satanic abuse and to a lesser extent repression is either discredited, equivocal

or non-existent. What is left is a self-supporting web of therapists, academics, bureaucrats, journalists, sexual assault counsellors and alleged victims, each group referring to the others as the proof of the truth of their claims. At times Guilliat makes it sound like some vast conspiracy, played out at conferences and in government departments, and involving endless forgettable acronyms. Perhaps this is Guilliat's attempt to provide the missing narrative drive; but it sometimes reads as slightly paranoid.

The questions raised by Guilliat are clearly important ones. Whether or not you agree with his answers, *Talk of the Devil* is a pretty good read. Doubtless this is due to the fact that Guilliat is a journalist (specifically, a features writer for *The Sydney Morning Herald*). As an easily approached introduction to the issues it addresses, this book is unlikely to be bettered.

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A Woman's Constitution? Gender & History in the Australian Commonwealth

edited by Helen Irving; Hale & Iremonger, 1996; 179pp; \$24.95 soft-cover.

Legal and literary studies have one of their busiest and potentially most troubling intersections in constitutional interpretation. This is, however, more evident in the US than it is in Australia. On that other side of the shifting imaginary zone which is the Pacific Rim, not only is the term constitutional theory more than oxymoronic, but also leading law and literature scholars like Richard Weisberg and James Boyd White are constitutionalists; 'mainstream' constitutionalists like L. H. LaRue and Sanford Levinson have essayed major scholarly projects which derive methodologically from literary studies; and one can, like the Stanford historian Jack Rakove, win the 1997 Pulitzer for a book on constitutional interpretation.

What has the constitutional law and literature interdiscipline to do with Helen Irving's attempt to challenge the historical silence that surrounds the participation of women in Australian nation-building, and the lack of recognition of the gendering of 'our' constitutional system, except for the obvious fact that US constitutional law

scholarship, like its Australian counterpart, has not been a shining light of affirmative action in the academy? One answer is that Catherine Helen Spence, one of the early Australian women novelists 'rediscovered' by feminist literary scholars in the last 15 years or so, was also a key figure in women's constitutional politics around the time of Federation. This apparently superficial link provides some useful shorthand for describing the kind of feminist enterprise that *A Woman's Constitution?* is. An early development in contemporary feminist literary theory was the phenomenon labelled 'gynocritics': a critical praxis which took as its subject writing by women, and which gave rise to studies of the work of women writers 'forgotten' and otherwise marginalised by the patriarchal domination of the academy, reviewing and publishing. It was a crucial stage in the development of contemporary feminist approaches to the work of literary and cultural studies; it had and still has its political uses; but it also has distinct limitations, which poststructuralist feminisms interested