BEFORE THE BEST INTERESTS OF THE CHILD. By J. Goldstein, A. Freud, and A.J. Solnit. The Free Press: 1979, 288 pp.

Reviewed by John K. Torrens, MD

What do you do for an encore? This book follows the "instant classic," *Beyond The Best Interests of the Child*, and a worthy supplement it is. It addresses the questions the authors really didn't confront in the first book. After the family has failed in its function, should the child's interest become a matter of state intrusion? They ask and answer what must happen in the life of the child before the state should be empowered to investigate, modify, or terminate an individual child's relationship with his or her parents, and what ought to justify overcoming the presumption in law that the parents are and should be free to determine what is best "for their children in accordance with their own beliefs and life style." This volume recommends minimal state intervention but proposes certain statutory grounds to give full warning to parents and child, and to restrict and guide state authorities. According to the authors the grounds for intervention are: parental request for state placement of the child, a common-law parent's request for custody, gross failure of parental care (such as death of parents), sexual offenses against one's own child, bodily injury, emotional neglect, child abuse, and refusal by the parents to authorize life-saving medical care.

Throughout, the authors stress their feelings that the decision to intervene is a difficult and important one that must be carried out with great caution. They also speculate, however, that this caution must be enforced frequently by people who may or may not have the skill to carry it out. Each of these "grounds for interventions" is carefully delineated, always emphasizing the rights of the child, the rights of the parents (or custodial persons), and the law, with the implications of each request carefully spelled out. In addition to these proposed grounds for intervention, the book includes an Appendix that describes children killed by their parents, including a lengthy case review pointing out the need for intervention when a child is being harmed. A second Appendix contains suggestions for some provisions of a child placement code.

This book is clearly a supplement to the authors' first volume but addresses additional very important issues. It should arouse the concerns of all psychiatrists, lawyers, judges, social workers, and psychologists involved in the "best interests of the child." □

WHO SPEAKS FOR THE CHILD? THE PROBLEMS OF PROXY CONSENT. By Willard Gaylin and Ruth Macklin. New York: Plenum, 1982. 315 pages. ISBN 0-306-40860-0.

Reviewed by Gary B. Melton, PhD

Who Speaks for the Child? is an edited volume arising from discussions of an

interdisciplinary study group at the Hastings Center. With contributions from philosophers, lawyers, a professional writer, and a psychiatrist, the book is apparently intended to shed light on the complex ethical and medicolegal issues related to the distribution of authority for decisions concerning health care for minors and their participation in research. The title is somewhat misleading.

The contributors largely limit themselves to bioethical problems. The book would have been richer had attention been given to both normative and empirical problems of parent-state-child relations in diverse contexts. Indeed, the general problem with the book is a narrowness of perspective that permits the contributors to gloss over the enormous complexity of problems of child and family policy.

The authors rather consistently assume that the general problem is one of whether the parents or another third party should represent the child's interests. The possibility of the child's giving consent is ignored in most chapters. There is no attention to the relevant research on medical decision making by children, parent-child relations, and physician-child relations. The lack of attention to systematic social-science research is surprising in an interdisciplinary project, particularly when the editors recognize, as does Macklin in the concluding chapter, that the arguments depend on a mixture of facts and values.

The contributors devote most of their energy to analyses of dramatic situations (for example, handicapping or life-threatening medical conditions). Although consideration of such profound dilemmas is in and of itself important, the distribution of authority for "routine" medical decisions may ultimately have more substantial social policy import. For example, what sort of practice will we give children in medical decision making? What are the long-term consequences of a particular organization of consumer involvement in pediatric health care? What social, political, and moral goals do we wish to foster through such a system?

Like many edited volumes, *Who Speaks for the Child?* is marked by unevenness of quality across chapters. The general tendency toward oversimplification of the issues is exacerbated in some chapters by analytic errors (e.g., lumping together the arguments of child-liberationists and of child-protectionists) and occasional misstatements, or at least oversimplifications, of law (for example, Gaylin's statement that an 11-year-old, presumably without respect to maturity, "has a perfect right to contract for an abortion... without parental consent").

These flaws aside, however, some of the chapters do provide new and provocative analyses. Perhaps the most successful is Macklin's concluding chapter, which provides a cogent integration and critique of the various positions presented in the volume. Her criticisms are particularly acute with respect to the chapter by Joseph Goldstein, in which he reiterates his oft-cited respect for nearly absolute parental autonomy. As Macklin points out, Goldstein carries "the notion of an adolescent's 'incompetence' to a preposterous extreme," misidentifies unity of interest, fails to explain why (as he argues) courts cannot determine competence to consent, and, most importantly, denies that the morality of parental decisions can be evaluated.

Another provocative view is expressed by Peter G. Brown, who argues that parents should facilitate children's acquisition of "those primary goods that are necessary for successful participation in the central institutions" of one's society. Although emphasizing development of the capacity for independence, Brown does not reach the logical corollary of encouragement of minors' participation in deciding their own fate.

A third useful contribution is made by Alexander Morgan Capron, who attempts to draw analogies from other legal contexts in which one party might represent, or decide for, a second party. Although, as Capron recognizes, some of the analogies seem facially inapposite, the chapter does provide an initial effort to learn from situations analogous to third-party (for example, parental) consent to medical treatment and research.

In summary, there are notable gaps in *Who Speaks for the Child?* in the discussion of child-parent-state relationships in the health care system. Taken as a whole, the book does not adequately communicate the complexity of these relationships and of their significance in social policy. However, some of the contributors have introduced some interesting and potentially useful ways of approaching the relevant ethical problems. □

EARLY CHILDHOOD INTERVENTION AND JUVENILE DELINQUENCY. Edited by F.N. Dutile, C.H. Faust, and D.R. Webster. Lexington, MA: Lexington Books, D. C. Heath and Company, 1982.

Reviewed by Melvin G. Goldzband, MD

This is a very disappointing book, unfortunately characteristic of that increasing number of volumes arising from meetings. Sometimes, especially if the meetings are excellent, it is possible to derive a very valuable reference work from the compilation of mixed papers finding their way into print. More often than not, though, the product between hard covers provides little. Not much is provided here.

My major gripes center on the rather superficial approach taken by the speakers/writers. The format of the meeting actually seemed to encourage this because round tables were instituted after one or more papers, and those were carried on as are so many similar events. The people participating simply used them as forums for their own free associations that often went somewhat afield from the stated issues. Little was provided in any depth, and very little was provided in terms of reference to contemporary research or scholarship. It is as if the world stopped after the Gluecks and after Marvin Wolfgang. Some newer papers and government reports are noted, as well as *Parham, Tarasoff et al.*, but only token attention is paid to them. Most of the participants do not appear to get above the level of pointing out that kids need love, and that delinquent behavior may be a manifestation of the lack of that valuable commodity, at least in considerable part. Who can argue?