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, Guilliatt'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 Guilliatt 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, Guilliatt'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 detailed 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, Guilliatt 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 Guilliatt's overall argument than the Bunbury chapters, but they lack some of the latter's narrative drive. In them, Guilliatt 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 Guilliatt makes it sound like some vast conspiracy, played out at conferences and in government departments, and involving endless forgettable acronyms. Perhaps this is Guilliatt's attempt to provide the missing narrative drive; but it sometimes reads as slightly paranoid.

The questions raised by Guilliatt 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 Guilliatt 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 contemporaray 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

in subject formation and discourse, and in intersections of class, race and sexuality with gender, seek to transgress.

In the main, the contributors to Irving's collection of essays find the missing 'founding mothers' and make available for the public record evidence of their participation in the formation of the Australian state. This is a considerable achievement. The most obvious limitation of many of the essays, despite occasional gestures against essentialism, is that they assume, with *Punch*, that 'A lady politician is a very different person', that women politicians will understand and respond differently than their male counterparts to women's concerns and experiences (which are themselves different from men's) and that this is something to be celebrated. It is in a sense unfortunate that the volume was completed before some implications of the election of the present parliament became obvious: that a woman politician can be virulently racist and oppose gun control, and thus also oppose herself to the interests of women of colour, non-Anglo migrant women, and women victims of domestic violence; and that to flourish in the predominantly masculine world that is Australian party and parliamentary politics, women who succeed sufficiently to earn ministerial portfolios may almost inevitably embody and espouse the kinds of values that many feminists might find problematic.

There are two particularly striking exceptions to the tendency noted in my previous paragraph. The first is Patricia Grimshaw's powerful and sophisticated account of the conflicts between Australian nationalist feminisms and indigenous rights, which contrasts in a welcome way with accounts found elsewhere in the volume of the relations between suffragist and and temperance politics, and points up the dangerous implications of this alliance for Aborigines. Grimshaw's achievement, however, does not merely lie in pointing up fissures in Australia's foundational feminisms. Rather, she identifies 'the hierarchies of culture and ethnicity' which in the 1890s, as now, were at the centre of influential models of Australian citizenship.

Similarly concerned with structures and alert to the possibilities poststructuralist theory might offer to a feminist reading of Australia's national imaginary are Deborah Cass and Kim Rubenstein. Their essay on 'The Representation of Women in the Australian Constitutional System' would have served as an excellent introductory chapter to this volume, combining as it does painstaking historical research with a nuanced exploration of the possibilities of rereading, and rewriting, this nation's originative fantasies and constitutive fictions. Such possibilities are the task of texts that will succeed Irving's valuable inauguration of an Australian constitutional gynocritics.

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Misleading or Deceptive Conduct — Issues and Trends

edited by Colin Lockhart; The Federation Press, 1996; 312 pp; $60.00.

The *Trade Practices Act 1974* (Cth) (TPA) is now more than 20 years old. Part V, the section related to consumer protection, and s.52 within it, form the basis for many claims of misleading and deceptive conduct in Australia. According to Colin Lockhart, the editor of *Misleading or Deceptive Conduct — Issues and Trends*, there are over 1500 decisions relying on or referring to s.52 or the remedial provisions associated with it. The breadth and reach of these provisions arguably were not anticipated by Parliament back in 1974.

It is worth reviewing some of the debates leading up to the passage of the TPA to see how far we have come. Reforming the trade practices law was an initiative of Gough Whitlam's Labor Government. Keppel Enderby, Minister for Manufacturing Industry, led off the second reading of the new TPA by stating that it would replace the *Restrictive Trade Practices Act*, which he described as one of the most ineffectual pieces of legislation ever passed. It was the Government's belief that unfair consumer transactions were widespread; that *caveat emptor* was inappropriate as a general rule, being more suited to a village marketplace than to the modern global mass market. Unfortunately, the Opposition did not probe the question of why consumers in small markets deserve less protection than those in larger markets. Maybe it has something to do with the Australian obsession with size (see below).

Debate on s.52 was fairly limited. Minister Enderby referred to the section's generality — how the law needed to be formulated in open terms in order to keep abreast of the 'sharp practices of businessmen [*sic*]'. The thrust of his argument was that detailed drafting does not necessarily lead to more certainty; rather, it often obscures the broad purposes of a provision, allowing seekers of loopholes a larger playground. At the same time, he was keen to point out that the new Act allowed private individuals to bring enforcement proceedings against those in breach. Again, the Opposition was silent on the possible correlation between generality of text and amount of litigation needed to resolve interpretative issues.

The Minister for Science, the Honourable William Morrison, reiterated Minister Enderby's point about the need for general wording. Then he drew the hushed members in for his coup de grâce:

> [t]he practice of packaging products in enormous opaque cardboard containers and labelling them 'giant size' or 'king size' is common. It is impossible these days to buy anything which is 'small size'. It is also common for a consumer's anticipation of large quantities or bulk within the cardboard container to be completely unwarranted.

Mr Peter Morris, the member from Shortland, added:

> [the] absence of strong national legislation on consumer protection has allowed Australia to remain a paradise for imported and homegrown spivs, sharpies and confidence men [sic] for far too long. Sharp practices and smart selling tricks perfected overseas have been even further improved upon in this country . . .

Non sequitur aside, the special, uniquely Australian, skill was a penchant for exaggerating size. It was this affront that required legislative action.

The debate continued in the way most of these House debates do — the logic decreased while the invective grew. There was the inevitable criticism of lawyers, this time because of their lack of understanding of the intricacies of inflation, so well known by economists. In the end, the Bill passed relatively unscathed.

Misleading or Deceptive Conduct is a recognition of how far misleading conduct law has come. The book is a