

Whitton makes but passing reference to 'tricks' 4 to 9 inclusive and remains almost entirely focused on the absence of truth and the grossly excessive adversarial nature of the common law system.

To illustrate his central thesis Whitton draws almost exclusively on quotes (without any citations for the purposes of cross-checking) from third party sources throughout history ranging from leading judges and legal theorists to friends and acquaintances.

A particularly notable passage is worth repeating:

Henry Evans, a Chicago psychiatrist who has many lawyers on his couch, said in April 1996 that truth is good for the soul. He said 'It's a cliché to ask what it takes to sleep at night but honesty is most often the answer'. The solution to (lawyers) torment is to change to a system that has truth and justice as the goal.

Who is Henry Evans? Was he speaking about lawyers or the common law system at the time? My mother once told me that 'if you lie your tongue will turn purple'. She was not thinking about lawyers at the time but I am sure that Whitton could have used her quote to support his position.

This may well be an acceptable style of writing for a daily newspaper, it is far from acceptable when one is trying to provide a serious critique of an entire legal system in a book which Whitton immodestly (and ignorantly) lauds as 'the only text offering a critical examination of the law as a whole' and which should be a prescribed text in high schools and law schools.

The Cartel therefore largely takes the position that truth is not an important element of the common law system and this is so because 'he said and she

said and they said'. One can only assume that he, she and they are all telling the truth (and are not lawyers)!

On a more serious note, I can only express disappointment at a book which promised so much. Whitton had the opportunity to make a timely, rational contribution to the debate on the future of the common law system. Instead he chose to make a vitriolic and somewhat self serving attack which ignored the historical and political context in which our system of justice has developed. I was neither confronted nor guilt ridden by what he had to say — simply disappointed.

In true Whittonian fashion perhaps the last words should be left to a Queensland lawyer I have never met nor spoken to and whose words I read somewhere once!

Enough. No more. I can't stand the pain of the constant media torture any longer. Tell him to stop. Tell Grand Inquisitor Evan Whitton, I recant. I confess I am a common (or garden variety) lawyer. I admit my misguided mind-set is an obstacle to reform of the law.

I plead guilty ... I repent my having defeated truth for a living. I confess to being a willing member of a centuries-old cartel. I will give up the names of my colleagues if only the torture will stop.

I will burn my 'Nine Magic Tricks' law books. I will promise never to practise law again. And, if the Grand Inquisitor so requires, I will forsake all else to pursue truth and justice as a journalist.¹

MERRAN LAWLER

Merran Lawler is a community lawyer and the Director of Caxton Legal Centre Inc.

Reference

1. Confession reported in 'Proctor Hears', (1998) 18(4), *Proctor* 36.

financial rights. In this way the CRJ (as the Editorial claims) 'is a voice for the consumer movement, expressing the concerns of the sector and those of the writers', but not the only voice. It is an important feature of the information landscape for consumers and fits well with other journals including, among others: the Australian Consumers' Association *Consuming Interest*, the Australian Competition and Consumer Commission (ACCC) journal, the Society of Consumer Affairs Professional's *Consumer Directions*, and the bulletin of the Public Interest Advocacy Centre.

The edition of the CRJ under review (March/April 1998) features articles on sexually transmitted debt by Nicola Howell of the ACCC, debt in divorce by family lawyer/academic Dorothy Kovacs, a timely contribution on changes to the Australian taxation system by Don Siemon of the Brotherhood of St Laurence and Jeremy McArdle calling for a new wave of activism following five years of Kennett-driven economic rationalism in Victoria.

The broad rubric of 'financial services' has long been one of the most important areas for consumer advocates. There is a clear need for those people and organisations working to assist consumers to be informed about current issues relevant in this area. Such information needs to be practical and accessible in style and price. The material needs also to be of a high-quality and relevant. This journal fills those needs. For those who work with consumers, teach consumer rights or simply have a strong interest in consumer issues, this journal should be considered compulsory reading.

CHRIS FIELD

Chris Field is Executive Director of the Consumer Law Centre, Victoria.

Consumer Rights Journal

Financial and Consumer Rights Council; tel 03 9614 5433

Our rights as consumers are fundamental to our daily existence. Consumer groups aim, very broadly, to alleviate the hardships for consumers caused by a variety of inappropriate practices whilst positively developing consumer protection policies. Current awareness, education and information dissemination are all important parts of successfully achieving this aim.

The *Consumer Rights Journal* (CRJ) is the official publication of the Financial and Consumer Rights Council. The Council is a non-profit, membership-

based organisation with a focus on research, education, policy, advocacy and community development.

In its own words, the CRJ:

contains feature articles relevant to the changes occurring in the consumer society and other consumer issues. These articles are written by people who have detailed knowledge of the area. On a bi-monthly basis the CRJ provides an interview, book review and interesting 'bits and pieces'.

The CRJ has a particular emphasis on financial services and consumers'