CONSUMER CREDIT edited by R. M. Goode, Sijthoff-Leyden 1978, pp. xx and 488, $52.50.

This volume is the product of the Colloquium on consumer credit held by the United Kingdom National Committee of Comparative Law in September, 1977. It is the third publication by the Committee, the previous volumes being *The Harmonization of European Company Law*, edited by Professor Clive Schmitthoff, and *Compensation for Compulsory Purchase*, edited by Professor J. F. Garner.

The book is divided into four parts. Part I is an Introductory Survey of issues in consumer credit written by Professor R. M. Goode. As a past member of the United Kingdom Crowther Committee on Consumer Credit, Professor Goode was admirably suited for this task. The modest title, "Introductory Survey", hardly seems appropriate when it runs to 105 pages and over one quarter of the text. Nor does it do justice to the substance of the text which is a comprehensive and well written introduction to what is admitted to be a "complex and controversial field of regulation" (p. vii). This introduction is especially useful to the reader because of the comparative approach to issues and the fact that Professor Goode has blended into his text a number of the oral and written comments made at the Conference.

Part II is concerned with the impact of consumer credit legislation. There are three essays: "Debt Non-payment as a Consumer Legal Right" by Morris G. Shanker, "The Social Benefits and Costs of Consumer Credit" by David Caplovitz, and "The Impact of Consumer Credit Legislation on the Consumer Credit Granting Institutions" by J. S. T. Renton.

Part III surveys consumer credit law in selected countries. There are eight essays in this section covering Australia, Canada, France, The Federal Republic of Germany, The Netherlands, Sweden, England, Scotland and the United States.

Part IV discusses consumer credit in the European Economic Community and Part V contains selections of legislative extracts, official reports and a draft proposal for a directive on the harmonization of legislation on consumer credit in the E.E.C.

Reviewers of collections such as these traditionally refer to the overlaps and gaps which often appear when a selection of papers are assembled in book form. I think that Professor Goode has avoided many of the problems associated with this type of enterprise. There is some unavoidable repetition in the national reports, but the reader is able to obtain a general impression in the introductory survey of the issues involved in consumer credit and may use the national reports as source material which can be dipped into eclectically.

One possible gap in the collection is the absence of an essay concerned with the economic analysis of consumer credit. Economic analysis is relevant to many aspects of consumer credit, from the cost of credit to creditors' remedies. Reference is made in a number of chapters to economic studies but I think that the editors ought to have considered inserting a separate chapter on this topic.

Another task for the reviewer of collected essays is to select those

which in his opinion deserve special encomium or which seem particularly ill-conceived or out of place. I shall confine myself to the following observations.

For those not familiar with the work of David Caplovitz, his essay titled "The Social Benefits and Costs of Consumer Credit" deserves attention. It should be required reading in any law course on consumer credit and should not be neglected by those concerned with policy making in this area. It illustrates that consumer credit is a *social institution* and that the problems generated by the system of consumer credit are primarily social problems. Attempting to understand the social reality of consumer credit and debt collection is not a simple matter, but intelligent policy making in this area cannot proceed without it.

I would, however, make the comment that although Caplovitz' work has been extremely important in empirically demonstrating the social impact of consumer credit,[1] I sometimes wish that he would go further and generate more general theoretical hypotheses on the role of consumer credit in society. An excellent example of this type of broad perspective is provided by Professor Fortin in "The Social Meaning and Implications of Consumer Credit in Canada".[2]

Immediately preceding Professor Caplovitz' essay is a paper by Professor Shanker, curiously titled "Debt Non-payment as a Consumer Legal Right". Professor Shanker claims that the legal restructuring of creditor/debtor relations has gone so far in the U.S. that a consumer may enjoy the benefit of goods and services he has received on credit and then be legally excused from having to pay for them. He claims that three measures have accomplished this: the wage earner settlement plan under Part 13 of the Bankruptcy laws, the strict bankruptcy discharge, and the exemption laws. Professor Shanker eschews any serious reference to the social reality of the legal rules, although he does make a passing reference to empiricism when he concedes that, "there are . . . non-legal pressures for a consumer to pay his debt" (p. 122). He is also willing to predict that "Obviously, where a particular consumer employs one of these debtor relief mechanisms, then that loss to the creditor eventually is made up by higher prices to other consumers" (p. 123). This appears to be not at all obvious (see Wallace, "The Logic of Consumer Credit Reform"[3]).

The section on Canada is written by Professor R. C. C. Cuming and is a useful and well written introduction to Canadian responses in this area. It can profitably be read together with his excellent article titled "Consumer Credit Law" which appeared in G. H. L. Fridman's *Studies in Canadian Business Law* (1971).

The article by Patrick Latham titled "Consumer Credit and the E.E.C." has a valuable list of issues for discussion, and demonstrates the difficulty of attempting to harmonize the laws on consumer credit within the European Economic Community.

In conclusion, this book will provide useful introductory reading for lawyers and others who are interested in obtaining a general comparative perspective on contemporary issues in consumer credit. The comparative

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1. *See "The Poor Pay More"* New York Free Press (1967); *"Consumers in Trouble. A Study of Debtors in Default"*, New York Free Press (1974).
2. J. S. Ziegel and R. E. Olley, *Consumer Credit in Canada,* University of Saskatchewan (1966).
3. (1973) 82 *Yale L. J.* 460.

focus should be of special interest to reformers and policy makers. It updates and supplements the valuable material in *Consumer Credit in Canada*, edited by J. S. Ziegel and R. E. Olley (1966).

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