

with the topic, but it is certainly the only one readily available, and it should certainly meet a long standing need.

The author begins by tracing the early constitutional history of New South Wales up to and including the grant of its 1855 Constitution. He then summarizes the development of the other Australian colonies up to a similar point on a comparative basis. This historical discussion forms almost the first half of the book. The second half consists of a discussion of the present States under three headings: an examination of the structure of the Legislature, a discussion of the relation between the Legislature and the Executive, and a discussion of the Legislative powers of the States and the limits thereon. Where appropriate, Dr Lumb takes New South Wales as his prototype, and deals with the other States largely by showing where their constitutional provisions differ from those of the older State.

The book is packed with facts, and they are accurately stated. It deals with a topic on which every Australian lawyer ought to be informed, though it may be conjectured that at present many of them are somewhat deficient in this respect. It is a book which is short and easy to read, and can be put into the hands of a young law student with confidence, as required reading on his part. There are a number of matters on which I would like to have seen a more extended discussion than a brief reference in a footnote, and it would, I think, have been an advantage if Dr Lumb had in his historical outline given some account of the reasons which underlay the divergencies of constitutional development in the various colonies. I should imagine that before long a new edition will be required, and it is hoped that when that occurs Dr Lumb will seize the opportunity to expand his present work, while retaining its essential structure as at present. Perhaps he could also find space for the full text of the standard Governor's Instructions, which is often hard to lay hands on. For the moment, it only remains to welcome the appearance of this book.

PETER BRETT*

An Introduction to International Law, by J. G. STARKE, Q.C., B.C.L. (OXON.), 5th ed. (Butterworth and Co. Ltd, London, 1963), pp. i-xxvi, 1-524, and Index 1-31. Australian price: £3 9s.

'Starke's International Law' does not need any introduction. Its success story, with a fifth edition a mere 16 years after the first one, shows the great popularity of the work. It combines, in very readable form, the aims of a purely introductory book with one in which the author deals briefly yet competently with the most up-to-date problems and crises facing international law. This latest edition covers not only the legal issues of the U-2 flight in 1960 and the limited blockade of Cuba by the U.S. late in 1962. It also incorporates the changes in the law of the sea which the ratification of the Geneva Law of the Sea Conventions will bring about. There are also detailed references to the Vienna Conventions on Diplomatic Relations (1961) and on Consular Relations (1963), which are bound to clarify many of the sometimes vague rules of customary international law. Other parts of the book have been rewritten. One of the most interesting sections is that dealing with economic blockade, where the author has built on the findings of Professor Medlicott in his historical treatise on Economic Blockade in World War II. The Com-

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mon Market receives unduly brief treatment in the author's chapter on International Institutions.

Although Starke's Introduction has now grown by more than half since its first edition, the author has been able to keep the thickness of the book down by the use of thinner paper. The new edition is remarkably free of printing mistakes. One of the few dissents the reviewer likes to assert concerns Johann Kaspar Bluntschli: as in earlier editions, he is referred to as a leading 'German' international lawyer (page 11). However, although in later life he taught at German universities, is he not—like his famous namesake in 'Arms and the Man'—a Swiss?

J. LEYSER*

Criminal Law and Punishment, by P. J. FITZGERALD, Professor of Law in the University of Leeds. The Clarendon Law Series (Oxford University Press, Oxford, 1962), pp. i-xi, 1-278 and Table of Cases. Australian price: £2 6s. 6d.

This book is the latest addition to that notable venture into regular law publishing by the Oxford University Press, the Clarendon Law Series. The series introduces itself as one which aims to provide 'general introductions to different fields of law and jurisprudence designed not only for the law student but also for the student of history, philosophy, or the social sciences, as well as for the general reader interested in some aspect of the law'. Further, the Series is not intended to provide substitutes for legal textbooks 'but a general perspective of legal ideas and problems which will make their detailed study most rewarding'. In my view at least two of the earlier publications in the Series, Professor H. L. A. Hart's *The Concept of Law* and Dr Rupert Cross's *Precedent in English Law*, have been much more than general introductions and have been properly hailed as major original contributions to the English literature on jurisprudence. This present book does not merit that sort of acclaim, but it does most admirably meet the stated aims of the Clarendon Series.

The book is divided into six parts. The first four deal with matters of substantive criminal law, the fifth with criminal procedure and those rules of evidence peculiar to criminal trials, and the final part with punishment. It is worth dwelling on the arrangement of the parts on substantive law, because it is an excellent one. The first matter considered is the hardy perennial 'What is a Crime?' This question is dealt with in the mode now associated so intimately with the work of Professor Hart: attention is directed to the general and usual characteristics exhibited by those activities our legal system makes criminal. The discussion is lucid and perceptive, but it is a great pity that Fitzgerald does not focus attention on the incident of conviction, as important an incident of crime as punishment. By convicting the guilty we perpetuate guilt as surely as Cain was marked for the first murder; the stigma was and still is regarded in our community, usually, as inflicting as severe a hurt as does deprivation of liberty or property. In fact this point is excellently made by the author when he later discusses imprisonment, in his section on 'Punishment' (page 244). After this brief introduction we are launched at once into 'crimes', divided into offences of violence, dishonesty and so on. It is only after the particular that the reader is introduced to 'crime'—the 'general principles' (acts, intention, strict

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