

of the conclusions reached by Lord Devlin, I have no doubt that Professor Hart had the better of the exchange.

Lord Devlin was one of the very best of the most able judges who sat in common law courts during the twenty years since the second world war. Some of his work as a member of the House of Lords will distinguish him for generations to come. His judicial career took him into many jurisdictions including that of the criminal courts. It is disappointing then to find his work, when he ventures into the borderlands of law, philosophy and morals, comparatively undistinguished where analysis was required, and insufficiently backed by an understanding of, and familiarity with, the work of thinkers who had contributed to those borderlands before him. Of course the law rests, in one sense, upon moral and philosophical ideas and beliefs. Moral and philosophical beliefs, in their turn, are affected, changed, and confirmed by the law.

The touch of sadness which a lawyer feels when he sees one of the ablest of his profession shown to be something less than a professional in another, though closely related, sphere of mental activity, does not diminish the importance of this little book nor of the flurry of controversy which it provoked.

DAVID P. DERHAM*

The Idea of Law, by DENNIS LLOYD (Penguin Books 1964), pp. 1-363 (including Index). Price \$1.90.

A very senior member of the medical profession was filling in a few minutes before a meeting. He was reading a Penguin book; and when I asked him what it was, it turned out to be Dennis Lloyd's *The Idea of Law*. He was a man who had been quite remarkably successful in practice; and in his old age not only his own profession but also leaders in other fields had turned to him to take responsibility for the management of many activities important to the community. He was chairman of this and president of that and he had, perforce, become deeply concerned with problems of management and organization almost for the first time in his long life. He told me that Dennis Lloyd's book expounded ideas which were new to him and which were helping him to understand the problems of a complex society in a way he had not thought about before.

Most lawyers, immersed as they are in the intricacies of particular transactions, take very much for granted the broad structures of the legal systems which they serve. And they tend to take for granted the moral and philosophical fundamentals which lie behind those systems and which are assumed by them. They do not often pause to consider how little understood, even by the most intelligent and the best educated of their lay fellows, are the work which they do and the basic ideas which justify that work. They seem to accept, with such equanimity as they can muster, a general lay feeling of suspicion and hostility towards lawyers and their work as something inevitable; something which always has been so and perhaps always will be.

Professor Lloyd has written a book, this book, which although no doubt designed as introductory reading for law students, is well designed for the busy but intelligent layman to read at leisure. It could well be one small influence to dispel some of the suspicion and hostility mentioned above. It is clear and simple. It does not require the reader to repair to

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a large reference library to understand what the author is saying. It is not without defects; but, unlike the curate's egg, the defective parts do not infect the parts which are good.

As a book for law students, *The Idea of Law* attracts one of Professor H. L. A. Hart's pet strictures. It is a Cook's tour in a hurry of a vast territory. In some 330 pages of text Professor Lloyd sets out to describe in simple language: the thinking of the philosophers—ancient and classical, mediaeval and modern—about law and government and human society; the relations of law to morals, to physical force, to justice, to custom, to society, and to the state; the nature of legal reasoning; the ways of courts and the nature of the judicial process; the effects on law of modern knowledge about man and the world he lives in; and, in addition, he tries to state some fundamental problems which he believes must be resolved in the future if law is to continue to be one of the main civilizing factors in the life of man.

To conduct such a tour, of course, requires enormous compression and gross over-simplification; and Professor Lloyd has not been frightened of those requirements. He disposes of the problems of crime and punishment in little more than three pages, of Plato and Aristotle on natural law in three, and of the Stoics in one page. So far as undergraduate students are concerned, if this is all they are to have, then all Professor Hart's strictures are justified—for this would be like feeding pap to babies and no really scholarly nor educational purposes would be served. But as a preliminary Cook's tour for students who will be required or encouraged later to work closely with some of the materials on which this book is based, it could be very useful indeed. For the intelligent layman who may never read any of those materials it could be invaluable. It might even lead him to seek greater enlightenment by reading some of the more advanced works upon which Professor Lloyd relies.

I have said that this book reveals defects. They are of two kinds: one quite serious and the other trivial. The serious one is that the treatment of the matters discussed is uneven—even allowing for the degree of compression and oversimplification required for a book like this. In particular, Chapters 6 ('Law and Justice') and 8 ('Law, Sovereignty, and the State') are weak. On the trivial side, it is odd to see a legal writer using the verb 'to try' followed by 'and'¹; and even more odd to see in print the common solecism 'disassociate'.²

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Australian Criminal Law, by COLIN HOWARD, LL.M. (Lond.), Ph.D. (Adelaide), Hearn Professor of Law in the University of Melbourne (Australia: The Law Book Company Limited, 1965), pp. i-xxxvi, 1-372, Index 373-379. Price \$9.50.

This book was written, Professor Howard tells us in the preface, in response to the manifest need for a narrative account of Australian criminal law. Undoubtedly there is a need for books about the law as it has developed in the states of Australia in many fields; and this book is a most valuable contribution towards the satisfaction of that need. Yet the very title raises at once the question—Is there really such an entity as Australian criminal law? Professor Howard, it may be thought, tends

¹ e.g. p. 35.

² e.g. p. 200.

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