misfeasance and much upon the distinction between governmental and proprietary functions. Zoning and planning give rise to many questions of types familiar here, but the answer is sometimes dependent upon a peculiarly American doctrine, for example, the limited weight which is permitted to be given to aesthetic considerations in a measure dependent upon the police power, and must be governed, in any event, by the terms of the particular legislation which is in question.

It is apparent that this is a work whose utility in another jurisdiction is limited by factors such as I have mentioned. Parts of it, none the less, may repay perusal or reference, with the assistance of the ample index with which the book is provided. For instance, the lengthy chapter of some 170 pages on Zoning and Planning may be found of interest either by way of comparison of the solutions which have been adopted for problems such as are likely to arise wherever these activities are undertaken, or, with the assistance mentioned, as a guide to a substantial body of case law which may reward a search for persuasive authority on some particular point.

B. SUGERMAN*

Jurisprudence (Revised and Enlarged Second Edition), by M. J. Sethna. Girgaon-Bombay, Lakhani Book Depot, 959, xliii and 689 pp., with indexes. (Rs. 13. 25.)

This large treatise on jurisprudence excited the reviewer's curiosity for several reasons. Such a modern work by an Indian scholar held promise of a wider world of jurisprudence embracing Hindu and the Mohammedan contributions. It seemed to promise, too, interesting reflections of an Indian scholar on the Western body of thought. Finally, the Author's proclamation of a school of what he terms "synthetic jurisprudence" (viii and 40), created some expectations of a new integrated approach.

These hopes were disappointed. The materials on Hindu and Mohammedan jurisprudential thought (55-68) are over-brief, and made difficult to assess (or even understand) by the use of Hindu terms without translation or explanation.[1] Nor has the Author availed himself of possible contributions from the various strains of Indian philosophy. Contrarily, the Author's survey of Western juristic thought no doubt will embarrass all reviewers by its incompleteness, superficiality and inaccuracy. Stammler, Gény, and Del Vecchio receive a few lines each (28); Kelsen less than a page (28). The Thomist doctrine of *lex aeterna* is misstated (76). The bibliography of this book lists only four publications after 1950, and important earlier works are not even mentioned. On "synthetic jurisprudence" itself, proclaimed as a central working idea, the reviewer has found in this book no satisfactory exposition of its principles and methods. The short statement (40ff.), and the attempts to put the idea to work (for example, on 323ff., 579ff., 600ff.) do not suggest that the "synthesis" which the Author is striving for is much more than a kind of "amalgam" (40) of competing principles.

The Author has devoted more than a half of the book to what he calls "residuary jurisprudence", meaning thereby the study of the principles of particular branches of law (4). This has left him little space either for dealing with the fundamental principles of law generally or for adequate treatment of those of the more important branches of law. The reviewer feels, in any case, that a one-volume treatise on jurisprudence must (for sheer reasons of space) be devoted to law in general ("universal jurisprudence"), and that the principles

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[1] Thus, no key is provided by the Author for the terms "*aurasa*" (p. 61) and "*Pratiloma*" (p. 63).

of particular branches of law must be left to works on those branches.[2] The objections to the Author's terminology and classification are too numerous for listing. On both heads the Author seems unaware of contemporary Western philosophy and jurisprudence. The reviewer must also mention that the inaptness or extravagance of his figures of speech do not compensate for this.[3]

The reviewer, in short, regrets to have to say that this new edition of Professor Sethna's *Jurisprudence* falls far short of what its appearance leads us to expect. To be acceptable, the entire range of Western thought which it tries to cover would have to be rechecked from the sources, and much of the contemporary Western jurisprudence not yet examined would have to be measured. The Author still has to make his real case for the distinctiveness and coherence of his "synthetic jurisprudence"; but much more adequate analysis will have to precede this synthesis, as well as a clearer grasp of the principles and methods of synthesis as applied to normative entities.

ILMAR TAMMELO*

The Commonwealth Public Service, by Leo Blair. Melbourne University Press, 1958. vii and 78 pp. (9s./6d. in Australia.)

The war and post-war years have witnessed a great increase in the size and importance of the Commonwealth Public Service. There were 47,043 Commonwealth public servants in June, 1939; by June, 1957, the number had increased to 158,153. The transformation has been qualitative as well as quantitative for, during the same period, the number of departments increased from twelve to twenty-five. At least half of the new departments existed in embryo within the 1939 group. Nevertheless, some of these latter, such as Territories and Social Services, have opened up fresh fields of Commonwealth activity just as much as the entirely new departments like Labour and National Service and Immigration. Even long-standing departments have acquired new functions, as in the case of the Treasury which has taken over State income taxation. Thus the Commonwealth Public Service has twice as many Ministerial departments with more than three times as many employees as it did before the last war.

Despite the increasing importance of the Commonwealth Public Service, comparatively little study has been made of its changing character or activities. There is some valuable discussion in the recent book edited by R. N. Spann, *Public Administration in Australia*[1]. The admirable study of Howard A. Scarrow, *The Higher Public Service of the Commonwealth of Australia*[2] was, however, the only book wholly devoted to this subject that has appeared in the post-war years. The contribution under review is, therefore, a welcome addition to our knowledge of a field in which much exploring is yet to be done.

Mr. Blair's book has a limited object, namely, "to provide some basic data which the student of public administration has hitherto been able to obtain only by reference to a wide range of articles, reports and other documents not always readily available."[3] An account of the historical development of

[2] This criticism relates also to other (and far better) books on jurisprudence which try to handle "universal" jurisprudence and "residuary" jurisprudence within one not too large volume. See, for example, G. W. Paton, *A Text-Book of Jurisprudence* (2 ed. 1951).

[3] See, for example, on p. 1: "Jurisprudence deals with fundamental legal principles; and law deals with rules evolved out of or based on the fundamental general principles given by jurisprudence. Law plays on the strings of those fundamental principles evolved or comprehended by the beautiful harp of jurisprudence. Jurisprudence is the harp that produces the melody of law, for the legislators, judges and lawyers are the musicians who play (and sing) on the strings (the fundamental principles) of this harp."

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[1] Government Printer, Sydney, 1958. [2] Duke Univ. Press, 1957.

[3] At v.