judgments. In fact, most of the traditional concepts of conflicts law are dismissed as "pseudo rules" or "artificial devices". As well as the usual objections to this form of analysis it might be argued that Ehrenzweig abandons the traditional concepts too readily, for there is little consideration of the problems which provoked the existing conceptual machinery.

Although Ehrenzweig states that his primary concern is everyday practice in interstate conflicts law the treatise contains an intimidating number of references to European authorities. Technically the book is produced to the high standard expected from this publisher although the reviewer noted two minor errors[10] which should be corrected in the next edition. In that edition one would hope, also, that the author would delete the suggestion that English courts show a preference for English litigants.[11]

Of course, there will be another edition of this treatise. Ehrenzweig's theories may be commended or condemned but no responsible expert in private international law can ignore them. In fact, we can anticipate a series of attacks and counter-attacks and that is a satisfying prospect because the working concepts of a conflicts system should be forged in the furnace of controversy.

D. J. MacDOUGALL*

The Constitutions of the Australian States, by R. D. Lumb, Senior Lecturer in Law in the University of Queensland, Brisbane, University of Queensland Press, 1963. viii and 96 pp. (£1/9/0 in Australia.)

This book is a very short account indeed of the history and structure of the Australian State Constitutions.

A comprehensive work on this topic has been greatly needed. Students and teachers alike have been frustrated for too long by the need to refer to multiple sources in order to cover adequately an essential aspect of Australian government. As the author points out,[1] the major emphasis in schools and universities on study of the Federal Constitution has led to a situation where many students are but dimly aware that the federal structure was, and is, based upon the continued existence of viable States with long established constitutions. Dr. Lumb's work will be a useful working tool for students and they will most certainly appreciate its brevity.

The goal of brevity appears to have been reached, however, at the cost of comprehensive cover. Reception of English law into Australia is dealt with in a few sentences.[2] Students who wish to know what interpretation the courts have placed on s.24 of the Australian Courts Act are referred in a footnote to a few leading cases—but this will give them no idea at all of the important statutes and constitutional principles introduced by the section. A discussion of the States' powers to enact legislation having extra-territorial effect is inadequate and uncritical.[3] Fuller discussion of the case law and practical effects is surely essential to a book of this nature.

The most disappointing feature—again resulting from an apparent compulsion towards brevity—is that an opportunity has been missed for a full

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[10] At 514 we are introduced to the process of "peudo-'interpretation'" and the author's summary of *Cole* v. *Steinlauf* (at 609) is meaningless because the text states that the plaintiff was the vendor of certain land whereas, in fact, the plaintiff was the purchaser.

[11] At 489.

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[1] At viii.

[2] At 11 and 12.

[3] At 77 and 78.

treatment, in a legal context, of the actual operation of responsible government in the States. There is a faithful construction of the skeleton: the constitutional provisions, the letters patent, the instructions to the Governor and so on are all there. So also is the familiar discussion of the legal basis for responsible government.[4] But the skeleton is left without flesh. The presence of convention and practice is recognized, but apart from some rather stereotyped discussion concerning the powers of the Governor, the reader is left to guess what those conventions and practices are. Presumably the lacuna is to be filled in by reference to Professor A. V. Dicey's, *The Law of the Constitution*, and the standard English text books. The fact is that Australian departures from the English model are so marked that such reference is likely to be completely misleading. What the Australian student needs to know is how responsible government works in his State. Is the concept the safeguard for the rights of citizens that it is claimed to be? Does its presence justify abdication of judicial reviewing powers? To what extent has the civil servant usurped Ministerial power? Has the Public Service Board system materially affected the position? Answers to these questions are urgently needed. Knowledge of the circumstances in which the Governor may dissolve Parliament is likely to be of great importance only to the Governor himself and his Ministerial advisers.

The final chapter of the book contains a thoroughgoing examination of the problems arising from the entrenchment of constitutional and other provisions by "manner and form" requirements. The theme is well and simply argued and it is one that could be of more than academic importance in the future. As Dr. Lumb is aware,[5] there is always a possibility that dissatisfaction with the operation of ministerial responsibility may lead to attempts to entrench Bills of Rights by this means.

Although limitations of space have unduly restricted the full development of many topics there is much of value in this book and, deservedly, it will find a place in most University reading lists.

H. WHITMORE.*

Human Acts: An Essay in their Moral Evaluation by Eric D'Arcy, Lecturer in Philosophy in the University of Melbourne. Oxford, Oxford University Press, 1963. xi and 174 pp. and Index (£2/6/6 in Australia).

The great English philosopher Hume contended that an *action* can never be the object of moral approval or disapproval; only the agent's motive, or his character can be the object of moral appraisal. Bentham disagreed and so does D'Arcy—but a century separates their philosophies and D'Arcy follows in the tradition of Wittgenstein, Ryle and Hart. His starting point is ordinary language and his aim is "to look for some of the assumptions about acts, and some of the rules for their moral evaluation, which are present or implicit in our day-to-day discussions and appraisals of human action and behaviour".[1]

If we propose to evaluate human acts we need to know what is meant by the term "act" and what is the relationship between an "act" and the "circumstances" surrounding it. D'Arcy borrows a hypothetical problem suggested by Professor J. J. C. Smart.[2] During the racial troubles in Arkansas in 1956 the

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[4] At 59ff.
[5] At 93.
* LL.B. (Sydney), LL.M. (Yale).
[1] At xi.
[2] At 2ff.