that he would be happy to live in a State as envisioned by Del Vecchio, if it existed as contemplated. This shows that a relativist *par excellence*, too, may be in sympathy with the thought of an absolutist *par excellence*; and that what divides them is not the substance of thought and the ideals professed, but only, and mainly, the way in which the corresponding thoughts are expressed.

ILMAR TAMMELO* and LYNDALL L. TAMMELO†

Source Book of Family Law, by P. R. H. Webb, M.A., LL.B., Reader in Conflict of Laws in the University of Nottingham and H. K. Bevan, LL.B., Senior Lecturer in Law in the University of Hull. London, Butterworth & Co. Ltd., 1964. lii and 673 pp. (£5/13/0 in Australia).

One of the most obvious indications of healthy intellectual activity in English universities is the increasing number of publications emanating from the less famous universities—in this case Nottingham and Hull. The authors have produced a set of materials in family law which is doubly welcome because it not only meets a need but meets that need so successfully that it testifies to the author's care and scholarship.

Family law has been surprisingly neglected in the Australian universities. Generally they have offered a course in divorce but other aspects of family law have been sandwiched in courses on property or equity or ignored. This has had unfortunate consequences. The young solicitor often finds himself moving uncertainly in an unfamiliar maze of legislation and case law while he tries to relate the separate pieces of knowledge he has acquired. Indeed he can hardly be blamed because the law in this area has not developed in an orderly fashion. Piecemeal reforms, often initiated by persons trained in other disciplines and lacking legal training, have been the order of the day. Eventually Australian law schools will recognize their responsibilities to the community and the profession by placing more emphasis on family law. In the meantime there is hardly a more appropriate subject for a collection of statutory and case materials. The authors write, and we must agree, that it is rare that a student "familiarizes himself properly with the texts of the statutes during his course of study".[1] With such a disparate amount of material to be discussed a book such as this is needed to make the material accessible.

This "Source Book" contains both statutory and case materials supplemented by concise explanatory notes and a few problems. Approximately one-third of the materials are concerned with the annulment and dissolution of marriage but the materials extend to the custody, guardianship and adoption of children, property rights between husband and wife and the rights and liabilities of parents in relation to their children.

Unfortunately the variations between the statutory provisions in England and Australia limit the value of the book in Australia. This is particularly true of the chapter dealing with the matrimonial relief obtainable in magistrate's courts. This limitation, however, should not be exaggerated. There is a sufficient similarity between Australian and English law to make this book a worthwhile purchase pending the publication of an Australian equivalent.

What, if any, are the defects of the book? Frankly there are few significant

---

* LL.M. (Sydney), M.A. (Melb.), Dr. iur. (Marburg), Mag. iur. (Tartu), Reader in International Law and Jurisprudence, University of Sydney.
† LL.B. (Sydney).
[1] At v.

criticisms. There is only one case illustrating the principle that an annulment may be refused because of the petitioner's lack of sincerity.[2] There is no case illustrating the matters weighed by a court when it consents, despite the opposition of the parents, to the marriage of children under 21.[3] There is no discussion of the possibility of proving adultery or disproving legitimacy by the use of blood-tests.[4] There should have been more problems to test the reader's comprehension and the problems should have been more complex and searching. It must, however, be admitted that there is little in the book that could be omitted and it already runs to some 673 pages. Being both fair and realistic it should be conceded that the most the authors could hope to do was to please some of the people some of the time. They deserve praise both for their courage in breaking new ground and for the considerable success which attended their efforts.

D. J. MacDOUGALL*

An Introduction to Roman Law, by J. K. B. M. Nicholas, All Souls Reader in Roman Law in the University of Oxford. Oxford at the Clarendon Press, 1962. vii and 281 pp. (£2/6/6 in Australia).
Contract of Mandate in Roman Law, by Alan Watson. Oxford at the Clarendon Press, 1961. pp. 223.
Gaius, by A. M. Honoré. Oxford at the Clarendon Press. xviii and 183 pp.

It says much for the vitality of Oxford scholarship that, in the space of about one year, three such important books by its scholars have been published. Each of them, in its own field, is a major work.

Mr. Nicholas' book is what it purports to be, a general introduction to the whole of Roman Law written for the intelligent lawyer who is no specialist in Roman Law. It avoids the twin dangers of any introductory work, that is, patronising generality and over-detailed compression. It is comprehensive, illuminating, concise, accurate and always stimulating. The author is always careful to indicate what matters are controversial and what beyond doubt. The approach of Mr. Nicholas is to describe Roman Law as a rational development of legal thought (having both merits and defects) achieved against a background of certain fundamental ideas and institutions; and, to make the description more vivid, he constantly compares the Roman Law approach to legal problems with that of the Common Law, illustrating, where necessary, in what way the different ideas and institutions out of which the Common Law grew produce different practical results from those of Roman Law. As a result, after reading the book, not only a student, not only the educated reader, but even a legal scholar, gains a deeper appreciation of both Roman Law and the Common Law. It has been hailed as "a first-rate modern book on Roman Law". It deserves the compliment.

Amongst the outstandingly well written parts of the work are the analysis of natural law (56-7); the distinction between actions and rights *in rem*

[2] It is assumed that the interpretation given to s.49(2) of the Matrimonial Causes Act, 1959 (Cth.) will reflect the earlier case-law. A comparison of *W.* v. *W.* (1952) P. 152, *Slater* v. *Slater* (1953) P. 235 and *Pettit* v. *Pettit* (1963) P. 177 soon reveals that this apparently simple doctrine is quite complex.
[3] In Australia see *Re an application under the Marriage Act* (1964) V.R. 135; *Re an application under s.17 of the Marriage Act* (1964) Qd. R. 399; *Re an infant* (1963) 6 F.L.R. 12; *Re a Minor* (1964) 6 F.L.R. 129.
[4] In Australia see *Hobson* v. *Hobson* (1942) 59 W.N. (N.S.W.) 85, *Liff* v. *Liff* (1948) W.N. 128 and, on a doubtful power to order blood-tests, *R.* v. *Jenkins* (1949) V.L.R. 277.
* LL.B. (Melb.), J.D. (Chicago), Senior Lecturer in Law, University of Sydney.