

BOOK REVIEWS

Law in Society, by GEOFFREY SAWER, Professor of Law in the Research School of Sciences at the Australian National University ; (Oxford University Press, 1965), pp. 1-210. Australian price £2 1s. 3d.

This is the latest edition to the Clarendon Law Series and it maintains the standard already set by the monographs which have previously been published in this series. It is, as the author explains, not an attempt to present a systematic legal sociology but rather a summary account of some problems concerning the social history of law and the social relations of law in contemporary society. The author begins with two chapters discussing the relationship between law and sociology and the nature of sociological jurisprudence. These may prove a little difficult for the reader who has not already acquired some familiarity with the field ; but thereafter Professor Sawyer turns to other problems and discusses in turn the place of law (if it can be said to exist) in primitive society, the relationship between social evolution and legal evolution, courts, judges, lawyers, the problems of social control and social order, and the interests protected by law. In the two final chapters he discusses the relationship between folkways, law-ways, and state-ways, and the relationship between legal science and social science.

Professor Sawyer is not here endeavouring to set out a jurisprudence of his own but rather to explain for the readers to whom this series is addressed a conspectus of the main lines of work that has already been done, illustrated by insights which he contributes from his own knowledge of legal systems with which he is familiar. In this task he has admirably succeeded. This is not to say that one must necessarily agree with every point that he makes, but nevertheless the book as a whole carries conviction. Occasionally one encounters expressions of opinion with which one is tempted to sharply disagree, such as, for example, Professor Sawyer's suggestion that the views which were eventually defeated in *Ridge v. Baldwin*¹ were as persuasive as those that prevailed; and I would find it hard to accept his statement that in England there is a strong conviction that judges are chosen from amongst members of the bar without regard to political opinion. It is not, however, to be expected in a work of this kind that one will agree with every viewpoint expressed by the author, and if one occasionally dissents from his views one is more than rewarded by the insights which appear on page after page, often expressed in the witty and epigrammatic style which one has come to expect of Professor Sawyer. Such remarks as "One man's absence of red tape is another man's absence of due process" and "In large parts of the U.S.A., monogamy has been replaced by polygamy and polyandry, only successive instead of simultaneous" enliven the book and make the reader press on eagerly from one page to the next.

¹ [1964] A.C. 40.

Professor Sawyer, at the end of his book, suggests that it seems impossible that law and lawyers should ever again be inattentive to the social relations of law or to the part which natural science and systematized social knowledge can play in solving legal problems. It is to be hoped that this judgment is well founded and certainly this book will assist in transforming it from a prediction into a reality. It is thus to be welcomed and strongly recommended to every lawyer, whether he be judge, practitioner, or student, who is interested in something more than the technical practice of his profession.

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Human Law and Human Justice by JULIUS STONE, LL.M. (Leeds); S.J.D. (Harvard); B.A., D.C.L. (Oxford); Sydney. Maitland Publications Pty Ltd, Sydney, 1965, pp. i-xxiii, 1-415.

This is the second of what Professor Stone calls the 'successor volumes' of *The Province and Function of Law*; the first of them, *Legal System and Lawyers' Reasonings*, was reviewed by Dr. Stoljar in this Review.¹ As the latter book was a rewriting of Part I of *The Province and Function*, so this is a new version of its Part II, there called "Law and Justice". Considerable parts of the earlier text are reproduced and the original framework followed (in both cases, however, with much rearrangement and revision), but this is in effect a new and independent work. A very great deal of new material has been introduced — partly in extension of the scope of the original version (e.g., the chapters on the idea of justice in Greek mythology and philosophy and in early Jewish thought); partly to take account of original work that has appeared since the publication of *The Province and Function* (e.g., the examination of work on law and justice by British and American analytic and linguistic philosophers); partly also to take account of new scholarly and critical work dealing with the great figures in the history of legal philosophy; and partly by way of elaborating and deepening the discussion of men and subjects already considered in detail in the original work. The most notable examples of this are, perhaps, the very substantial development of the discussion of natural law in which Stone now not only deals with natural law as a historical tradition, but also examines it much more closely as a philosophical-legal doctrine in its own right and considers much more minutely the natural law theorising of quite recent times; and also the much closer and fuller examination of modern legal relativism. But there is hardly any part of the earlier book that has not undergone some amendment or development.

It is more than twice as long as the section in *The Province and Function* from which it derives. But wider scope and greater length are not the most striking difference between the two versions. Most of the text,

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¹ Vol. 1, No. 2.