could be reduced without fatally impairing the value of the book. The author makes interesting comments on the position of the individual before international tribunals. As he rightly states (Chapter XII), the decision is fundamentally a political decision of states. 'A significant number of governments are reluctant to assent to any arrangement which might seem to confer international personality on individuals, even if the capacity involved is very restricted and specialized' (p. 482). The United Kingdom did not accept until 1965 the jurisdiction of the European Court of Human Rights. Dr Brownlie rightly draws attention to the important question of cost for the individual litigating before any international tribunal. As he says, 'arrangements for legal aid would be very necessary'; under the European Convention for Human Rights, such legal aid is now provided by the Council for Europe. If the United Nations Conventions ever reach the stage of acceptance, states should see that individuals should obtain similar protection.

An unusual arrangement of materials is provided by the author in his 'Common Amenities and Co-operation in the Use of Resources' (Chapter XI). The Antarctic, already referred to in the Chapter on Territory, is dealt with here on the basis of free research under the provisions of the Antarctic Treaty. Germany's alleged claim, however, to a part of Antarctic territory (p. 142) does not appear to have been maintained. The author deals with the important question whether states other than the fourteen signatories would be bound by the provisions of the treaty: he rightly refers to Art. X of the Treaty which clearly assumes that they should not be (p. 233).

The move of the 'three-milers' among states to adopt a twelve-mile fisheries limit was at the time of writing (1966) still controlled: since then the U.S.A. (late 1966) and now also Australia (November 1967) have legislated for a twelve-mile fishing zone from the baseline. This will lead to different conclusions (p. 199) in the next edition.

In the reviewer's opinion more attention could also be devoted to the question of resolutions of the United Nations General Assembly as source of law. All these are minor points, however.

The book is remarkably free of printing errors. It is attractively bound and most reasonably priced at $9.80. This makes it well within the reach of students' purses.

J. LEYSER*

* D.Jur., (Freiburg), LL.B., Barrister and Solicitor; Reader in Comparative and International Law in the University of Melbourne.

An Introduction to Law, by D. P. DERHAM, The Owen Dixon Professor of Law, Monash University, F. K. H. MAHER, Reader in Law, University of Melbourne, and P. L. WALLER, The Sir Leo Cussen Professor of Law, Monash University (Australia: The Law Book Company Limited, 1966), pp. i-viii, 1-217, Index 219-226. Price $6.30.

One of the authors of *An Introduction to Law,* writing in the fourth year of its fourteen-year gestation period, feelingly described the task of writing an introductory book on the legal system as one of the most difficult a lawyer can undertake.[1] An Australian law teacher might apply the same description to teaching an introductory course to first year law students.

[1] Derham, 'A First Course in Law' (1956) 2 *Sydney Law Review* 103, 104.

There are some who would not only dispute this proposition, but deny the need for such a course. They argue that, like students in the leading American law schools, Australian students should plunge into the basic common law subjects in their first year, and pick up along the way an acquaintance with the structure of the legal system and the role and basic skills of the lawyer. They are impatient with the endless discussions on teaching methods in which teachers of these courses indulge, and regard their anxious concern for the academic welfare of their students as a form of mollycoddling which is quite unbecoming to teachers or students of a tough-minded professional discipline.

I have watched a first year class at work in one of the leading American schools. Few of its members were less than twenty-one years old, some had already completed two years of military service, and all were graduates in Arts or Sciences. In their first law lecture, which was in Torts, Professor Robert Keeton broke the silence with: 'The first case is *I. de S. and Wife v. W. de S.* Mr Gervino, state the case!' Mr Gervino did so, fluently and confidently, and a lively discussion ensued, with most of the 150 students trying to get a word in. A fortnight later, a student who was under vigorous questioning on the implications of a case was finding it hard to give answers which were both sensible and consistent with the judge's reasoning. The Professor scolded him. 'Don't be scared to say the judge was wrong—you've been studying law for two weeks now.' From that point, it seemed that hesitation or diffidence were discernible only when someone suggested that a judge might have been right.

Most Australian law students come to the University having just emerged from a secondary education which is inadequate as a preparation for studying law; some of them, for example, have never learnt that the Commonwealth of Australia has a Constitution, and many have only the vaguest notion of the functions of courts and legislatures. Many have only experienced a learning process consisting of the passive absorption of pre-digested material served to them by teachers who are preoccupied with the short-term aim of producing successful examinees. In these circumstances, a course which introduces the beginner to the legal system and legal reasoning, and which gives him practice in written and oral argument, is a necessity if the major part of his legal training is to be conducted at the most effective level.

An Introduction to Law will do much to ease the path of the beginner and his teachers. The core of the difficulty of teaching or writing for beginners is that one must convey basic information and elucidate technical concepts in terms which are readily intelligible to people who know no law. The authors have overcome this difficulty to a degree equalled by very few other writers. In future, Australian teachers will be able to spend more time discussing and analysing legal materials and problems with their class, and less on monologues which are optimistically intended to imprint upon the minds of their audience a mass of indispensible information. The book consists of twelve essays which introduce the institutions of the law in Australia and their interrelationship, outline the major legal classifications, and discuss the work of the courts in fashioning law through the precedents and in interpreting legislation. The final chapter asks 'What then is law?' The authors discuss simply some of the familiar definitions and the social function of law, by using the model of a small community with an elementary economic structure. An appendix introduces the student to the resources of the law library.

The authors have not confined themselves to a dull recital of facts and rules. For example, their remarks on legal aid, law reform and legal education provide an early warning against an uncritical assumption that the legal system is as effective as it ought to be (pp. 46-52). Their description of 'the birth pangs of a statute' neatly explains why it is that, despite the labours of skilled draftsmen, the courts are constantly confronted with problems of interpreting legislation (pp. 134-138). Chapter 10, 'The Facts and the Law', justifies the proposition, surprising to many laymen, that 'the courts' task is not primarily to discover the truth but to decide issues brought before them' (p. 159). Passages such as these give the essays a readable and pragmatic character. This leads me to my one quibble: with a greater infusion of this quality, primarily by a more liberal use of practical examples, and with a slight expansion of the scope of its factual information, the book would be even more attractive and useful to its wide readership.

The preface states that the book is written for those who are contemplating embarking on legal studies and other laymen, as well as for students who use it as a complementary text to the authors' course-book, *Cases and Materials on the Legal Process*. There are signs, however, that the authors have had the latter class of readers, and particularly their own students at the University of Melbourne and Monash University, uppermost in their minds. Chapter 1-3, dealing with the institutions of the law, have a heavy emphasis on the State of Victoria; an outline coverage of such matters as the judicial heirarchy and the reception of English law in the other Australian States and Territories, and, perhaps, in New Zealand, would be appreciated by non-Victorians. In the discussion of precedent, the reasoning of lawyers and the interception of legislation, one would have expected frequent recourse to cases which would not only illustrate the points being made, but also add to the liveliness of the text. For example, the unforgettable fact of *Donoghue v. Stevenson*[2] and *Grant v. Australian Knitting Mills Ltd*[3] are a godsend to painless elementary instruction in the operation of precedent and the use of analogy in lawvers' reasoning. In fact, sparing use has been made of such material, perhaps because the writers assume that most of their audience will be reading each of the essays in conjunction with the corresponding cases and materials in the course-book. One of several signs that this is so is a brief incidental mention of snails in bottles and sulphur in underwear on page 170 which assumes familiarity with the cases in question. They are, of course, examined in detail in the course-book.

An Introduction to Law will be read by many who will not have occasion to use the course-book. By a minor change in emphasis in the editions that will certainlv follow, the authors could maximize its value for all of the wide range of readers throughout Australia who will turn to it for their initiation in learning the law.

DAVID HAMBLY*

The Machinery of Justice in England, bv R. M. JACKSON, LL.D., F.B.A., Solicitor of the Supreme Court; Fellow of St. John's College, Cambridge; Downing Professor of the Laws of England in the University of Cam-

* LL.B. (Hons) (Melb.), LL.M. (Harvard); Senior Lecturer in Law, School of General Studies, Australian National University.

2 [1932] A.C. 562. 3 [1936] A.C. 85.