There have been conflicting economic policies—Russia has her theories, America supports private enterprise and Britain a modified socialisation. The last sentence of the book is: "One thing alone is certain: that a continuation of the present situation in Germany must lead to catastrophe." The author, however, points out in the Preface that he does not want to belittle the heroic efforts of individuals in the various control offices.

Three convictions are stated in the preface to underlie the critical part of the book: first the belief in the need for an international conception of the post-war world and the consequent futility of considering Germany in mental or physical isolation from international reconstruction: secondly, the conviction that neither disarmament nor denazification nor the restoration of political democracy in Germany are possible without a decisive shift in the social structure of Germany: thirdly, the conviction that Great Britain had (and still has not entirely lost) a unique opportunity in Germany, because her general policy of combining political democracy with moderate socialism is not only a solution necessitated by conditions in Germany, but the only one acceptable to a majority of Germans.

In the Appendices is a collection of official documents, e.g., The Potsdam Agreement, the Declaration of Assumption of Authority in Germany, Proclamations, and the more important Ordinances and Directives.

The work is one which no serious student of international affairs can afford to ignore. Within comparatively small compass, it deals with the significant issues in a manner which successfully blends a fair minded appreciation of the difficulties with a critical emphasis on lost opportunities. It thus constitutes a challenge to western civilisation.

G. W. P.

"*Justice and Administrative Law*," by Dr. W. A. Robson, Second Edition, revised and enlarged; (pp. xxvii. 554). London. Stevens & Sons 1947.

Twenty years ago the publication of the first edition of Dr. Robson's book was an event of some importance. It constituted the first major and coherent attempt in English legal literature to state the case for the open recognition and systematic organisation of the rapidly growing but chaotic multitude of administrative tribunals. Since then the subject has become one of the main topics of juristic discussion in England. The late Lord Hewart's violent and somewhat unmeasured attack in "*The New Despotism*" was followed by the appointment of the Committee on Ministers' Powers, whose report, published in 1932, has become a classic for all students of the subject. The further stupendous growth of various public and social services before, during and after the last war, has made the problem of the relation between administration and justice even more acute. Writing from close personal experience, Sir Cecil Carr

published some essays under the title "*Concerning English Administrative Law*" in 1941. Dr. C. K. Allen's "*Law and Orders,*" published in 1945, which re-states Lord Hewart's point of view in a more substantiated, moderate and qualified form, is now countered by the present re-statement of the case for administrative justice.

It is a tribute to the accurate analysis of trends by the author that he finds it possible to re-state his main recommendations with few alterations, after twenty eventful years. It is, on the other hand, deplorable that the law should have advanced so little in that interval. It shows that little has been done to bring order into the chaos of administrative justice. As the author emphasises, the present book is not concerned with the whole of administrative law, which is a subject infinitely vaster and more complex than the problem of administrative tribunals. It would be a great mistake to confuse the specific controversy about the respective functions of ordinary and administrative law courts with the much wider problem of the liabilities of public authorities, the legal position of the Crown and the whole complex of legal relations between public authorities and the citizen, which forms the subject of administrative law.

The main point of Dr. Robson's thesis will now be accepted by the majority of writers and practitioners. There are few left to deny the need for administrative jurisdiction altogether; least of all perhaps the ordinary courts which increasingly recognise their lack of equipment for dealing with the amazing complexity of largely technical and administrative problems with which administrative tribunals are concerned. The course of Dr. Robson's argument is briefly as follows. The administrative and the judicial function have never been fully separated and the need for administrative tribunals is simply an outcome of the increased diversity and complexity of social functions exercised by the State. A survey of the judicial attitude towards administrative tribunals shows that the outlook of the judiciary is generally too much rooted in legal and social values of the past to enable them to approach the new problems of administrative justice properly. A detailed analysis of the *Report of the Committee on Ministers' Powers* reveals, in the author's opinion, the futility of the distinction between judicial and quasi-judicial decisions. The refusal of the majority to recognise the need for a system of administrative law comes in for a severe and merited criticism.

In the concluding chapter, which is the most valuable of the book, the author assesses the advantages of administrative tribunals as well as their disadvantages and present defects. His conclusions are summed up in nineteen propositions, which should be studied by every student of administrative law. The most important recommendations are the differentiation of various groups of administrative tribunals according to the type of case in dispute in question, including administrative tribunals set up within an administrative department; the need for an Administrative Appeal Tribunal, the maintenance of the present supervisory jurisdiction of the ordinary law courts in cases of abuse of administrative power; the publication of reasoned judgments by administrative courts, and the co-ordination of their judgment; the laying down of

general principles by the responsible Minister for the direction of administrative tribunals of first instance, in substitution for the present un-co-ordinated and secret directions given from case to case.

In general, Dr. Robson concludes rightly that administrative courts have come to stay. They offer decisive advantages, in the specialised knowledge of technical matters, in the speed and cheapness of their proceedings and the absence of legal formalism. But the author is equally emphatic on the need for radical improvements, mainly in the procedure and in the co-ordination of different administrative jurisdiction.

Some parts of the book might have been pruned without disadvantage. The longish chapter on the Committee of Ministers' Powers, with its detailed account of the re-actions of the various members of the Committee to the author's proposals, is probably of greater autobiographical interest to the author than to the reader. But the book as a whole is the mature result of a rare combination of theoretical insight and practical experience in a field which in Australia, even more than in England, urgently needs the attention of legal minds. For whether we like it or not, the social service state has come to stay, and this means that administrative law will be with us, and that it is the lawyer's business to help obtain the best possible balance between this new social development and fundamental principles of democratic justice.

W. F.