

*Cases and Readings on Law and Society*: Three volumes: SYDNEY POST SIMPSON, Professor of Law, New York University, and JULIUS STONE, Challis Professor of Jurisprudence and International Law, University of Sydney: 1948, West Publishing Co., Minn. pp. xlvii, 2389.

This work is one of the American *Casebook Series* which is under the general editorship of Professor Seavey of Harvard Law School. In this review, it is worthy of note that Australian scholarship is winning recognition overseas.

A case-book is a tool of trade—therefore only one with a detailed experience of American teaching can competently judge of its usefulness. However, this collection is more than a case-book in the narrow sense, and will be of vital interest to teachers of jurisprudence everywhere. It is a useful companion work to Professor Stone's *The Province and Function of Law*. There must be few persons who would have the energy to cover the vast field of reading which the authors undertook in preparing the *Readings*, the ability to distil the most valuable, and the competence to organise them into an ordered framework.

Book One covers "Law and Society in Evolution." Chapter I is perhaps a little narrow in its field as it tends to draw on the hackneyed fields and (with a few exceptions) leaves out the modern writings on anthropology. Thus there are fifteen citations from Maine in the first book. As his works are legal classics and freely available, would it not be better to ask the student to read the works than make so many excerpts, each one of which, read by itself, seems rather fragmentary? Indeed that is the main criticism which I would make of the work as a whole. In the laudable endeavour to be comprehensive, the authors make about 400 citations in volume one. Frequently the effect would be better if we had fewer citations and more space given to the more significant contributions. A little learning may prove for the student a dangerous thing even if it is a little about each of a vast horde of writers.

Book Two deals with "Law in Modern Democratic Society," Book Three with "Law, Totalitarianism and Democracy". Many of the excerpts are translated for the first time by the authors, who thus lay students under a debt of gratitude for making accessible much that is of interest. There is possibly a tendency to concentrate too much on the actual practices of the Nazis and the Fascists. This provides interesting material for a study of the relationship of law and society, but in sociology and history these will inevitably sink to their proper place. The challenge to democracy of the conflict between liberty and planning is naturally given some weight, but if there is a tendency to give excessive space to the faults of the Nazis (a subject which hardly needs pressing in a modern democratic community) there is also a tendency to be a little careful in dealing with planning in the modern state. (As this is a matter of subjective impression, the reviewer confesses that he may be mistaken.)

These criticisms are trifling compared with the magnitude of the work and the skill with which the problem has been handled. The author index contains over fifteen hundred names—that alone is significant. There must be many teachers who do not know some of the following

names chosen at random—Vachelli, Van Arkel, Van Hecke, Venediklov, Vernadsky, Vertrees, Voitinsky, Voh Moschzisker.

It remains only to compliment the authors for their erudition and the publishers for producing a handsome set of volumes, well-bound and remarkably free of typographical errors.

G. W. PATON.

*A History of English Criminal Law and its Administration from 1750*: LEON RADZINOWICZ. Vol. I. The Movement for Reform. London: Stevens & Sons Ltd., 1948, pp. xxiv, 853.

The Department of Criminal Science, of the Cambridge Faculty of Law, is to be congratulated on the publication of this outstanding volume which ushers in a new era in historical studies of the criminal law. As Lord Macmillan states in the Foreword, the task was truly Herculean—a study of 1,250 Reports of Commissions, 3,000 Accounts and Papers, 800 Annual Reports and 1,100 volumes of Parliamentary Debates. But there has also been an attempt to set the evolution of the criminal law in the light of social and economic history.

The book is well written in idiomatic English and provides an absorbing picture of the past. No praise can be too high for the skill with which the author has mastered his material and created a volume that is well ordered and of absorbing interest. It will prove a treasure house not only for the lawyer, but also for the social historian. The footnotes are full of interest and give a vivid picture of the background against which the criminal law developed. A vivid account is given of a pardon granted in New South Wales after an execution had been twice postponed owing to inclement weather (p. 184)—this shews that the author's reading is not confined to a narrow field. We read of Ann Green, executed in 1650 for murder and carried to the Anatomy School at Oxford for dissection—however, when the "corpse" was unpacked, it shewed signs of vitality and the lady was restored to life (p. 195). Dr. Johnson appears in fine fettle, in connexion with the case of the unfortunate Dr. Dodd, a clergyman executed for forgery. The author reveals that even property owners wished the savage law to be ameliorated, as it was clear that the jury was loth to convict when the penalty was death. The futility of excessive penalties is thus emphasised.

The book begins with the extension of capital punishment and then proceeds to examine the policy of penal legislation as illustrated by the *Waltham Black Act*. It then picks up the movement for reform, tracing the views of the most important figures and indicating the reasons for failure or success.

We look forward with interest to the succeeding volumes.

G. W. PATON.