

The only major criticism of *A Lawyer Tells* is that it is far too short. The learned author's personal knowledge of so much that warrants record and his very readable mode of presentation demand a sequel in the not too distant future.

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Jeremy Bentham and the Law: A Symposium edited by G. W. KEETON and G. SCHWARZENBERGER: London: Stevens & Sons., 1949, pp. viii, 266.

This volume, written to celebrate the bicentenary of Bentham's birth, provides ample material to shew the many sides of his indefatigable activity. It is impossible to review such a work by discussing the thesis of each of thirteen writers. The work is well written, interesting and packs much into small space. The editors are to be congratulated both upon the plan and its execution.

Professor Jolowicz opens with the question Was Bentham a lawyer? His negative thesis is that Bentham was not a lawyer in one sense because he had no sympathy for, and an insufficient understanding of, legal technique, involving as it does some measure of submission to authority and the employment in some measure of traditional material. Positively, however, Bentham was something other than a lawyer and could succeed where others failed precisely because he brushed aside all conventional explanations. Dr. Margery Fry discusses his influence on English penal reform and the courage he shewed in attacking the death penalty when it was almost universally accepted. Bentham would be disappointed that no criminal code has yet been produced in England. His ambitious scheme for a model prison—the *Panopticon*—failed to materialise: later Bentham received £23,000 from the State as recompense for his works. Dr. Zagday writes on Bentham and the poor law, and Professor Keeton on his influence on the law of evidence. Professor Graveson chooses the apt title *The Restless Spirit of English Law*.

R. C. Fitzgerald emphasises that many of the parliamentary problems which caused perturbation to Bentham are still unsolved at the present time. Dr. Schwarzenberger discusses his contributions to international law and organisation. Professor Everett (well-known as the editor of Bentham's *Limits of Jurisprudence Defined* which languished in a chest from 1782 to 1945) writes on Bentham's influence in the United States of America. Bentham wrote to the governor of each State sending his works and offering assistance. It was Field, one of the disciples of Bentham, who introduced a new Code of Civil Procedure in New York in 1848 and this was adopted by many other States. Dr. Lipstein deals with Bentham and Foreign Lawyers and Dr. Vesey-Fitzgerald with his influence on Indian codes. An excellent account of Bentham's influence on modern legal thought is given by Professor Friedmann. "Jeremy Bentham, resuming his labours in 1948, would probably be a puzzled and a sad man. He might regard with satisfaction the immense

growth and improvement of legislative machinery, the spread of democratic rights, the quick response, by public opinion and the elected representatives of the people, to crying social evils. He would see almost all of his specific proposals for legal reform adopted. A significant exception would be the codification of English law." Finally Professor Ayer, a philosopher, deals with the principles of utility in language which a lawyer can grasp.

The reading of this work should not be confined to the legal profession, as it contains much of general interest. It should stir both social scientist and lawyer to continue with the struggle for law reform. The publishers have produced a handsome volume and the proof-reading has been carefully done.

G.W.P.

Maintenance of Deserted Wives and Children, by J. C. LITHERLAND, B.A., LL.B., Barrister-at-Law; pp. xlviii, 1-510; Index, pp. 511-576. The Law Book Co. of Australasia Pty Ltd. 1949. £2/17/6.

This eminently practical book will prove most useful in the maintenance and divorce jurisdictions, and it accomplishes far more than the author's modest aim, that it should be "a guide and source of reference." The author makes a clear and comprehensive analysis of the law relating to the maintenance of wives and children, who are deserted or left without means of support in Australia and New Zealand, and in addition, deals with ancillary problems. All aspects of maintenance proceedings are covered, including preliminary proceedings, the hearing, the effect, duration, enforcement and variation of orders, and appeals. The questions of estoppel and *res judicata* are discussed. There is an excellent chapter on affiliation proceedings, but there is no mention of the effect of an offer to provide a home for an illegitimate child (*Russ v. Carr*¹).

The general principles relating to desertion, constructive desertion, leaving without means of support, reasonable cause, adultery, separation agreements, etc. are clearly analysed in separate chapters. The work contains copious references to statutory provisions of the Australian states and New Zealand, and to all relevant authorities.

From his experience, the author provides a fund of information on the evidence required in various matters, which will be invaluable in the preparation of cases; e.g., proof of paternity in affiliation cases, and adultery.

Though extensive in its treatment, one could not expect a single volume to cover completely the law of each state or to avoid the necessity of reference to the various enactments; but it should displace other textbooks on the subject, which, in view of the numerous decisions and new principles enunciated in recent years, have become out of date. The work is well printed and there is an excellent index.

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1. [1909] V.L.R. 78.