of wide reading. They are rounded and attractive essays whose message is rendered more acceptable by the easy manner and intimate style of their presentation. Indeed, if it is an appropriate criticism of public lectures, it might be suggested that Professor Morris was too reluctant to bring to the attention of his hearers and readers many of the narrower and more technical findings which characterise the better modern research and practice in these fields.

As an introduction to criminology, an *hors d'oeuvre* to the main meal, they could hardly be bettered. There is a foreword to the lectures by Mr. Justice Barry, Chairman of the Department of Criminology at Melbourne University, in which he accurately evaluates the challenge of these lectures — "Professor Albert Morris has brought to the task a sensitive, disciplined and learned mind . . . A most undogmatic man, he would be the last to claim that his views should command universal assent; but he would be justified in expecting that they should be given an honest and intelligent and dispassionate examination. If the problems of criminology are approached in that fashion, the first step to the clear understanding that is requisite for sound reform will have been taken."

NORVAL MORRIS*

Miguel Reale, *Folosofia do Direito*, Vol. 1, Parts I and II, Edition Saraiva, Sao Paulo (1953), 647 pages.

This work in Portuguese by the distinguished Brazilian scholar Miguel Reale, Professor of Legal Philosophy at the University of Sao Paulo, is the first volume of a planned three volume treatise on the philosophy of law. The present volume contains a philosophical introduction (*Propedeutica Filosofica*) *ad usum jurisprudentiae* (Part I) and an ontological, logical, and epistemological treatment of the fundamental problems of law (*Ontognoseologia Juridica*) (Part II).

Although the volume is only a part of the projected comprehensive treatise, Professor Reale's extensive and versatile learning has already produced a work of great interest and value, in which various influences of modern legal and philosophical thought have been assimilated and synthesised. In the Preface (p. 17) the author concisely formulates as the guiding idea of his scholarly aspirations: "to theorise life and to experience theory in an indissoluble unity of thought and action". The subsequent chapters of the book confirm that he has been able to remain faithful to this maxim. There is little indulgence in a purely academical theorising in them. Professor Reale thinks throughout in the awareness of the exigencies of practical law and politics.

Like all leading South-American legal theorists, Professor Reale, too, is strongly influenced by the Continental philosophical and legal tradition. Kant, Husserl, N. Hartmann, and Scheler, Stammler, Del Vecchio, Kelsen, and Radbruch, have given most stimulus to his thought, without having affected its independence. With them he walks along one of the highways of philosophy, and avoids stepping (as some of his Latin-American colleagues do) into the *Holzwege*[1] of poetical philosophy such as that of Heidegger,[2] or into the desert tracks of "scienticist" philosophy such as those of Wittgenstein and Reichenbach.[3] This highway has kept open for the author the vistas of the concept, idea

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[1] The metaphorical title of a collection of philosophical essays by Martin Heidegger published in 1950. For the explanation of the metaphor see p. 3 of that book.

[2] For his peculiar conception of philosophy see his *Einfuehrung in die Metaphysik* (1953, p. 20: "Philosophy . . . is of the same rank (*Ordnung*) only with poetry." ". . . in poetry . . . there is an essential superiority of spirit over . . . mere science." (Reviewer's translation).

[3] For the logical positivists' conception of philosophy see L. Wittgenstein, *Tractatus*

as well as actuality of law, and has led him to see the weaknesses of different unilateral approaches to law such as onesided historicism, sociologism, normativism, and moralism (pp. 367 — 440). More especially it has enabled him to penetrate into a mature consideration of the problem of values (pp. 179 — 196, also 196 — 256 and 309 — 315), a problem so important for both the practical and theoretical treatment of law, and which is neglected by philosophical modernisms, both semanticist and existentialist. With his broad outlook and freedom from any passion for juristic and philosophic "-isms", Professor Reale inevitably arrives at a "three-dimensional" concept of law: law as a fact, as a value, and as a norm (pp. 443 — 508, see esp. p. 45 ff.), thus following, apart from the Continental authors such as Wilhelm Sauer and Gustav Radbruch, also an influential trend of Anglo-American thought. He himself recognises that his view is parallel to that of Roscoe Pound and Julius Stone (p. 456 ff.).

In the final chapter of this volume, entitled "Concept of Law" (pp. 559 — 610), the author summarises his view on the much discussed problem of the distinction between law and morals. This view provides a good illustration of Professor Reale's legal-philosophical position. He distinguishes law and morals from the following points of view: (1) the evaluation, (2) the form, and (3) the object and content, of an act. From the first point of view, law (a) is bilaterally attributive, (b) is directed more to the external aspect of the act, moving away from intention; whereas morals (a) is unilateral, (b) is directed more to intention, moving away from the external aspect of the act. From the point of view of form, law (c) can be heteronomous, (d) is externally enforceable, (e) is specifically pre-determined and certain and objectively ascertainable; whereas morals (c) is never heteronomous, (d) is not externally enforceable, (e) never has the typical pre-determinacy equal to law. From the viewpoint of object and contents of an act, law (f) is directed in an immediate and prevailing manner to the social good or to the values of co-existence; whereas morals (f) is directed to an immediate and prevailing manner to the individual good or to the values of personality.

In this distinction there is perhaps nothing revolutionary for a student of legal philosophy. Nor is it, especially in the light of Anglo-American juristic experience, invulnerable to criticism.[4] Let the above view of the distinction between law and morals is not without notable features. To pluralise the criteria of distinction may be an essential step towards abandoning the prevailing attitude that "law" and "morals" are mutually exclusive class-concepts. Certainly, by slight modifications of Professor Reale's criteria, descriptions for framing type-concepts,[5] of law and morals may be achieved allowing for a typical instance. This would have the advantage of neither harassing practical applications nor sterilising debate on theory.

Subsequent volumes here announced as being in preparation contain: Volume II, Part I — Juridical Epistemology, Part II — Juridical Deontology, Part III — Juridical Culturology: Volume III: History of the Legal Philosophical Doctrines. The talents displayed in the present volume base the hope that these volumes will be important; though the reviewer permits himself to say that greater attention to the history of Anglo-American juristic experience would give the author's legal philosophical position a more universal import.

ILMAR TAMMELO*

Logico-Philosophicus (1947) and H. Reichenbach, *The Rise of Scientific Philosophy* (1951).

[4] Thus it may be argued that enforcement is not the essence of law although law is usually enforceable, and that although in most cases law is admittedly both specifically predetermined and objectively ascertainable, there are cases in which it is neither.

[5] For an outstanding treatment of type-concepts as applied in legal thought see K. Engisch, *Die Idee der Konkretisierung in Recht und Rechtswissenschaft unserer Zeit* (1953) Chapter 8.

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