

turns on the training, character and capacity of those who, between them, administer the criminal law, be they judges, law officers, members of the legal profession, policemen, officials or gaolers. If personal standards fall, the best of systems cannot prevent a decline".

Subsequent chapters deal with the Power of Parliament (directed largely to the questions of delegation of legislative power and difficulty of statutory interpretation); the Power of the Executive (with a discussion of the supervisory jurisdiction of the Courts and of the Crown's immunities); the Power of Wealth and the Power of Status (with a treatment of legal assistance to litigants and of various aspects of the relationship between employer and employee); the Power of Monopoly and Restrictive Association (with a brief account of the modern English legislation on these subjects); and the Power of Numbers (with particular reference to its exercise through trade unions).

Of a number of interesting suggestions in the book, three may be noticed. First that legislative interpretation be assisted by a more generous use of express declarations of intention. This has much to recommend it as an aid to the construction of statutes whose complexity imposes a great strain on the resources of the conventional mode of drafting which relies exclusively on the command form. Secondly, trying out proposed new legislation on a panel, possessed of intellectual competence, a substantial background of legal experience, and ignorance of departmental institutions for the draft set before them, as a mode of detecting ambiguities in advance. And, thirdly, the setting up of an Administrative Council of distinguished administrators and experienced lawyers to which an executive department, at the discretion of its Minister, could refer, for guidance or decision, administrative problems involving the rights, welfare or livelihood of the subject.

B. SUGERMAN*

Municipal Law, by Charles S. Rhyne, Member of the Bar of the District of Columbia. Washington, D.C., National Institute of Municipal Law Officers, 1958, xxi and 980 pp. with Index.

This volume is stated in the preface to be "designed to meet the need of a current restatement of the basic principles of law applicable to the modern city". The author has performed a monumental task in reducing to order and system a great mass of United States case law on the subject. In this he has had the assistance of the "unique municipal law source materials and experience" of NIMLO (the National Institute of Municipal Law Officers). The result is a well arranged and comprehensive work which no doubt will be of much assistance to the large class of municipal attorneys in the United States to whom it is principally directed.

Although rooted in the common law, municipal law is in these days, in the United States as well as here, mainly dependent upon statute. Its scope and content in the United States are also affected by an apparently wider concept of the functions of municipal government and by constitutional doctrines and limitations. And the courts of the States differ in their conclusions on various questions; for instance such a statement as that "tourist courts may and may not be prohibited in a residential zone" may be a little baffling until it is appreciated that the "may" and the "may not" are supported by references to decisions in different States.

It is possible none the less to recognize many familiar problems, sometimes with solutions which are familiar and sometimes not—in the field of liability, for instance, little seems to turn upon the distinction between non-feasance and

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misfeasance and much upon the distinction between governmental and proprietary functions. Zoning and planning give rise to many questions of types familiar here, but the answer is sometimes dependent upon a peculiarly American doctrine, for example, the limited weight which is permitted to be given to aesthetic considerations in a measure dependent upon the police power, and must be governed, in any event, by the terms of the particular legislation which is in question.

It is apparent that this is a work whose utility in another jurisdiction is limited by factors such as I have mentioned. Parts of it, none the less, may repay perusal or reference, with the assistance of the ample index with which the book is provided. For instance, the lengthy chapter of some 170 pages on Zoning and Planning may be found of interest either by way of comparison of the solutions which have been adopted for problems such as are likely to arise wherever these activities are undertaken, or, with the assistance mentioned, as a guide to a substantial body of case law which may reward a search for persuasive authority on some particular point.

B. SUGERMAN*

Jurisprudence (Revised and Enlarged Second Edition), by M. J. Sethna. Girgaon-Bombay, Lakhani Book Depot, 959, xliii and 689 pp., with indexes. (Rs. 13. 25.)

This large treatise on jurisprudence excited the reviewer's curiosity for several reasons. Such a modern work by an Indian scholar held promise of a wider world of jurisprudence embracing Hindu and the Mohammedan contributions. It seemed to promise, too, interesting reflections of an Indian scholar on the Western body of thought. Finally, the Author's proclamation of a school of what he terms "synthetic jurisprudence" (viii and 40), created some expectations of a new integrated approach.

These hopes were disappointed. The materials on Hindu and Mohammedan jurisprudential thought (55-68) are over-brief, and made difficult to assess (or even understand) by the use of Hindu terms without translation or explanation.¹ Nor has the Author availed himself of possible contributions from the various strains of Indian philosophy. Contrarily, the Author's survey of Western juristic thought no doubt will embarrass all reviewers by its incompleteness, superficiality and inaccuracy. Stammler, Gény, and Del Vecchio receive a few lines each (28); Kelsen less than a page (28). The Thomist doctrine of *lex aeterna* is misstated (76). The bibliography of this book lists only four publications after 1950, and important earlier works are not even mentioned. On "synthetic jurisprudence" itself, proclaimed as a central working idea, the reviewer has found in this book no satisfactory exposition of its principles and methods. The short statement (40ff.), and the attempts to put the idea to work (for example, on 323ff., 579ff., 600ff.) do not suggest that the "synthesis" which the Author is striving for is much more than a kind of "amalgam" (40) of competing principles.

The Author has devoted more than a half of the book to what he calls "residuary jurisprudence", meaning thereby the study of the principles of particular branches of law (4). This has left him little space either for dealing with the fundamental principles of law generally or for adequate treatment of those of the more important branches of law. The reviewer feels, in any case, that a one-volume treatise on jurisprudence must (for sheer reasons of space) be devoted to law in general ("universal jurisprudence"), and that the principles

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¹ Thus, no key is provided by the Author for the terms "*aurasa*" (p. 61) and "*Pratiloma*" (p. 63).