BOOK REVIEWS

LIARS AND LETTERS ANONYMOUS (The Case Book of an Expert Witness), by Oscar Mendelsohn. 1961. Lansdowne Press, Melbourne. 1922 pp. Price, 31s. 6d.

Mr. Mendelsohn, an Australian, draws on his wide experience as an examiner of 'questioned documents' to provide a most entertaining book. Not only is it valuable, as most such books are, in providing one with a further insight into human psychology - part of the successful lawyer's stock-in-trade - but also it contains much of interest from the scientific point of view. For example, one of the conclusions drawn by Mr. Mendelsohn from his long experience is that it is quite impossible to forge successfully another's signature: provided a specimen of that person's verified writing is available, the chances of a forger escaping detection are, in Mr. Mendelsohn's estimation, something like a million to one. Mr. Mendelsohn also stresses the importance, in all cases of questioned documents, of really reliable expert evidence: there is, in his field, as in many others, a great deal of 'quaokery', and he mentions the horrific case of an innocent man who was almost found guilty of forgery on 'expert' evidence provided by an Australian grocer whose sole qualifications in the questioned document field lay in his spare-time hobby of examining handwriting to determine the character of the writer. In a number of illuminating examples Mr. Mendelsohn shows that not all complaints of forgery are genuine: there are several cases in which persons, for reasons of their own or sometimes for no apparent reason at all, have claimed that their perfectly genuine signatures are forgeries. Mr. Mendelsohn's section on anonymous letters is also interesting, and he gives some very good advice to their recipients.

Mr. Mendelsohn's successes have covered a wide field. He had, for example, no difficulty in discovering the writer of a piece of obscene verse on a newly-painted lavatory wall - even though part of the wall had to be removed to his laboratory for further examination. It was also easy for him to uncover a case of cheating in University examinations, although the technique of the candidate in question in that instance showed intelligence of a high order.

Mr. Mendelsohn does not concern himself exclusively with handwriting. In his chapter on Chance (in which he points out that insurance is possibly the best example of applied

gambling on a large scale) he assesses the possibility that 'Sumer is I-cumen in' was not written in the 13th century in a most convincing manner: his conclusions may, however, be affected by modern research which led to the revival of 'The Play of Daniel' (12th century) of which an excellent recording exists. Earlier, in the suspected document department, he deals with the interpretation of the famous phrase 'MENE, MENE, TEKEL, UPHARSIN', with special reference to the reasons for Daniel ignoring UPHARSIN and introducing PERES in its place when translating the phrase for the benefit of Belshazzar: Daniel, 5.5.

Altogether this is a most interesting book. We could, perhaps, have done without the pedestrian sentiment that execution of the death sentence is 'legal murder' — a heavily loaded phrase which avoids the real issues — but apart from a few small infelicities such as this the writing is stimulating and alive. The book is well printed and bound, except that on two occasions the printers have carelessly left out a line or two of text — in one case at least probably the greater part of a paragraph.

As an added inducement there is a test for the reader to complete in identifying specimens of handwriting. This reviewer failed dismally.

NOT SUCH AN ASS, by Henry Cecil, with a foreword by the Rt. Hon. Lord Justice Devlin. 1961. Hutchinson, London. 202 + (index) 6 pp. Price, 18s. 6d.

This is the latest book by this well-known author, and it should be compulsory reading for every law student. It is not a novel, but a serious (yet extremely witty) treatment of problems which affect every lawyer. Mr. Cecil puts under the microscope such matters as suspected persons being detained for questioning, new trials in criminal cases, liability for the escape of domestic water, the reliability of eye-witnesses to accidents, references (the 'To whom it may concern' type), the reasonable man, legal integrity, and so on. While some of Mr. Cecil's observations may not be applicable to New Zealand, and while others may not be agreed with by everyone, the vital advantage of this book is that it forces the reader to think about matters which have come to be accepted as normal in day-to-day experience. In particular the chapter on Judge-made law (Chapter 7) should be read by every Judge — Mr. Cecil mercilessly and rightly exposes the fallacy that 'merits' should be of any great

importance. As Mr. Cecil says (p. 84), 'Someone's merits or demerits persuade a court to give a wrong decision. As judges are human, this is quite unavoidable. But the result of the mistake is not limited to the parties to the one case, and the cost of correcting the mistake may be very considerable and has to be paid by someone.' The point is that in most cases the law provides what ought to be the proper view of the merits: but every lawyer knows how easy it is to be diverted by 'hard cases' away from the sometimes more strictly technical aspects. But a lawyer's fuction is to serve and apply the law, not some abstract notion of 'justice'. Mr. Cecil's chapter amply points out the dangers of the other approach.

Altogether this is an extremely stimulating, valuable and entertaining book, and it should be on every lawyer's bookshelf.

B.D.I. *

* B.D.Inglis B.A.,LL.D. (N.Z.), Jur.Dr. (Chicago), Senior Lecturer in the Department of English and New Zealand Law.

LAW OF CONTRACT, by G.C.Cheshire & C.H.S.Fifoot. New Zealand Edition, by J.F.Northey, xliii + 557 + (index) 55 pp. Butterworth & Co. (N.Z.) Ltd. 1961.

LAW OF CONTRACT, by G.C.Cheshire & C.H.S.Fifoot. 5th Edition. lxix + 561 + (index) 41 pp. London. Butterworth & Co. (Publishers) Ltd. 1960.

'New Zealand lawyers', says Professor Northey in his Preface to the New Zealand edition, 'have been denied access for far too long to a comprehensive text-book on the New Zealand Law of Contract . . . When it was suggested to me that I might edit a New Zealand edition of Cheshire & Fifoot I welcomed the opportunity of satisfying the long-standing need for an up-to-date book prepared for the New Zealand practitioner and student. I regarded it as a compliment to be associated with a book the authors of which have won for themselves a position of such authority. Moreover, their book is a delight to read: the authors have the capacity, not normally possessed by legal writers, of enlivening even the dullest topic.'

The New Zealand edition is based on the 5th English edition which was published in January 1960. The law in the New Zealand edition is said to be stated as at 30 August 1960, and the book finally appeared on the New Zealand market in April 1961. Since Professor Northey was apparently not called upon to make any alterations to the text other than those required to state New Zealand law, the New Zealand edition faithfully preserves both the virtues and the vices of the English edition, and in addition has some special vices of its own.

Cheshire & Fifoot has, of course, a well-merited place in the hierarchy of leading legal text-books, not perhaps so much for the originality and validity of the authors' views as for the extremely attractive way in which they set out the law. It is a stimulating, vital, and eminently readable text-book. None of these qualities has been lost in the New Zealand edition, but in some respects the decision to leave the original text as it was is unfortunate. Without for one moment denying the value of the book, the authors' views are sometimes found to be irreconcilable with the cases they cite in support of them. Their chapter on Mistake, for example, still contains a highly theoretical structure of common, mutual, and unilateral mistake which was effectively demolished as early as 1954 in Slade's brilliantly analytic article in 70 L.Q.R. 385. Yet apart from an ineffectual and minor protest in a footnote in the New Zealand edition (p.170), we are by implication led to believe that Cheshire and Fifoot have said the last word on the

subject. It is also unfortunate that nothing has been done in either edition to lessen the rank confusion evident in the authors' treatment of waiver (pp.451-4), and in particular the virtually meaningless first complete paragraph on p.454. The authors' classic and disastrous faux pas - that Jordan v. Money (1854) 5 H.L.Cas. 185 was a case at common law - has been retained (pp.78-9). No doubt it was not within Professor Northey's terms of reference to make any change in this respect, but it is interesting to note that he has retained the original authors' completely disproportionate treatment of P. v. P. [1957] N.Z.L.R. 854 without reference to the fact that in the light of earlier and later decisions of the Court of Appeal on equitable estoppel it is probably wrong. On the credit side the authors' far too optimistic view about the decision of Chapman J. in Wenckheim v. Arndt (1873) 1 N.Z. Jur 73 has been suitably deflated in the New Zealand edition.

The above comments apply to both editions, and Professor Northey cannot really be blamed for infelicities in the original text when all he was required to do was to annotate it, not rewrite it. However what is perhaps more important and of more interest to New Zealand readers is the nature of the editor's contributions on New Zealand law, and it is to this topic we now turn. It is convenient to deal first with Professor Northey's handling of the relevant statutory provisions, then with his handling of the New Zealand cases.

As far as the relevant New Zealand statutory provisions are concerned, Professor Northey's editing with one exception appears to be careful and accurate. No applicable provisions appear to have been overlooked. Some criticism can, however, be made of the manner in which they have been included. In the first place it seems odd to retain, without substantial alteration, the original authors' extended treatment of money paid under a mistake of fact when, in the light of sections 94A and 94B of the Judicature Act, the common law distinction between mistakes of fact and of law has in New Zealand lost most of its practical significance. It is only after the student had waded through pages of the common law that the real significance of the new sections is brought to his notice: see pp.534-5. In the discussion of infants' contracts section 12A of the Infants Act is almost buried in obscurity by being mentioned only in three lines of an introductory paragraph under the heading 'Contracts authorized by statute' - surely a deceptive lack of emphasis on a statutory provision of immense practical importance. Much the same can be said of section 92 of the Judicature Act: the whole discussion of Foakes v. Beer

(1884) 9 App. Cas. 605 would have been greatly clarified if the editor had pointed out in the text that what Cheshire and Fifoot regard as its evil effects had been removed in New Zealand by statute. Incidentally, in dealing with section 92 it is astounding that the editor has failed to reveal the fact that its effect has been explained or that it has been applied in no less than three New Zealand cases: Meikle v. Wellington Loan Co. (1911) 31 N.Z.L.R. 217; Barnes v. Jacobsen [1924] N.Z.L.R. 653; Chambers v. Commissioner of Stamp Duties [1943] N.Z.L.R. 504.

The one exception to be made to the view that the handling of the New Zealand statutes has been careful and accurate is Professor Northey's treatment of the Trade Practices Act 1958. Here the account of the Act given at p.269 is totally inadequate and misleading. There is no reference whatever at this point to s.20 of the Act (practices deemed contrary to the public interest) and the reader is not even warned that the vital provisions of s.20 exist until he reaches pp.320 and 363 where he is in any case not informed of their effect. It is true that the provisions of s.19 (2) are inserted verbatim at pp.287-8 (the footnote to this scissors and-paste effort leads one to believe that the provisions set out are those of ss.41 and 42) but why s.20 should have been virtually ignored is an incomprehensible mystery. The result is, of course, to give an entirely false picture of s.19. It will have been noticed that a full discussion of the difference between the English and New Zealand legislation in this field (e.g. ss.21, and 19 and 20 of the respective Acts) appears in this number of this review, so New Zealand readers will not be deprived of discussion of a useful topic which Professor Northey has hardly thought worth mentioning. The important developments in the Hairdressers' and Grocers' cases are not treated by Professor Northey; nor has the important change in the burden of proof introduced by the 1961 Amendment - for chronological reasons he can be excused these omissions, but not for the entire omission of the important Fencing Materials case [1960] N.Z.L.R. 1121.

It is, however, in its treatment of the New Zealand cases that the defects of the New Zealand edition show themselves most clearly Since 1861 well over 500 New Zealand cases on Contract have been reported. Not all of them are of great significance: many merely repeat principles established in the English cases, and many are decisions on particular facts. But the fact remains that there is an immense and hitherto untapped source of New Zealand judicial literature on the law of Contract. Professor Northey has done no more than brush the surface. Some unexplained editorial policy

seems to have led him virtually to ignore cases decided before 1940: of the 400-odd cases reported prior to 1940 he has referred to perhaps 10 or 20. No-one would suggest that New Zealand cases should be noted merely because they are New Zealand cases. The New Zealand practitioner and student is however entitled to expect that he will be given reasonably full references to New Zealand cases in what purports to be an 'up-to-date book prepared for the New Zealand practitioner and student', especially when many of the cases which Professor Northey has neglected to mention in his pre-1940 purge are decisions of the Court of Appeal.

Defects are also apparent when we come to consider the more recent New Zealand decisions. While S.I.M.U. v. Whitwell [1959] N.Z.L.R. 251 is mentioned in the section on estoppel, there is no mention of the extremely interesting and important judgments in the Court of Appeal (sub.nom. Whitwell v. S.I.M.U. [1960] N.Z.L.R. 433). On pp.255 and 270 the decision of Haslam J. in In re Richardson [1959] N.Z.L.R. 481 is cited, but no reference is made to the fact that his decision was appealed against, and that the Court of Appeal's decision (sub.nom. Official Assignee v. T.A.B. [1960] N.Z.L.R. 1064) is not without interest. On the topic of illegal contracts there is no reference either to the interesting case of Psaltis v. Schultz (1948) 76 C.L.R. 547 or the leading New Zealand case of Hutchinson v. Davis [1940] N.Z. L.R. 490. Nowhere is there any reference to the valuable and illuminating decision of Cleary J. in White v. Ross [1960] N.Z. L.R. 247, or even to Hines v. Sankey [1958] N.Z.L.R. 886. In view of the date of publication there seems no reason why the more recent of the above cases could not have been included.

Some of the New Zealand cases included by the editor receive far less emphasis than they deserve. In the discussion of infants' contracts (pp.340 et seq.) surely much more prominence should have been given to Robinson's Motor Vehicles Ltd. v. Graham [1956] N.Z.L.R. 545. At p.340 (note 70) the reader is led to believe that its only significance lies in the fact that an extract from the judgment in Coutts & Co. v. Browne-Lecky [1947] K.B. 104 was cited in North J.'s judgment. It would surely have been better to have dealt with Robinson's case in the text and to have relegated Coutts' case to a footnote, instead of the other way about. Nelson Guarantee Corpn. v. Farrell [1955] N.Z.L.R. 405 should have more than the footnote mention it receives (p.341, note 75).

There are some infelicities. At p.105 there is a virtually incomprehensible footnote on Harvey v. Ascot Dry Cleaning Co. Ltd. [1953] N.Z.L.R. 549: if the conditions on the ticket had not been sufficiently brought to the plaintiff's notice, how could it possibly be said that those conditions formed part of the contract between the plaintiff and the defendant? The original authors' footnote on McRae v. Commonwealth Disposals Commission (1951) 84 C.L.R. 377 is difficult to understand in the light of the express terms of the judgments in that case, and Professor Northey's only suggestion for solution of the difficulty - that a New Zealand court would be more likely than an English court to follow the High Court of Australia (p.170) - is perhaps not remarkable either for its persuasiveness or the illumination it sheds on an extremely difficult topic.

Where prominence has been given to New Zealand cases there is a tendency merely to state the facts and the decision. This is perhaps not the most informative way of dealing with such important cases as Fawcett v. Star Car Sales Ltd. [1960] N.Z.L.R. 406 (pp.193 et seq.). No indication whatever is given of the implications of this very interesting decision in the law of mistake generally, or of how some of the earlier statements in the text can be reconciled with the Court of Appeal's judgment. It would be difficult to imagine a less helpful way of leading a student to an understanding of this difficult branch of the law. It is unfortunate, but unavoidable, that the interesting and recent English variant on the Phillips v. Brooks theme, Ingram v. Little [1960] 3 W.L.R. 504 is mentioned only in a footnote, and does not appear in the Table of Cases.

Some shortcomings of style should be mentioned. It is unusual to see (at p.40) Isaacs C.J. referred to as 'Chief Justice Isaacs'. To a New Zealand reader the statement (at p.248, note 7) that the opinion of the Judicial Committee in Inche Noriah's case was 'approved by Lawrence L.J. in Lancashire Loans Ltd. v. Black' appears odd. The expression 'Gresson J. (as he then was)' seems an unnecessary refinement in the New Zealand context (e.g., at pp.270, 327), especially as the elevation of English judges is not similarly acknowledged. It is difficult to see what useful purpose is served by including vacuous comments such as 'the comparable passage was somewhat different in the 3rd edition: see Concrete Buildings of New Zealand v. Swaysland' (p.284, note 8): it would have been better to have made some mention of the fact that the effect of Swaysland's case has

been removed by Statute: see now Municipal Corporations Amendment Act 1959, s.28. With the greatest respect to the New Zealand magistracy, of what conceivable interest is it to be told (at p.286) that an extract from one of the judgments in Anderson v. Daniel [1924] 1 K.B. 138 was 'cited in Mankin v. Fairfairn (1959) 9 M.C.D. 430'? The editor in his apparent enthusiasm to record even the most trivial judicial reference to Cheshire & Fifoot surely strikes rock-bottom when, at p.441, under the heading 'The Doctrine of Substantial Performance', we are told: 'see the reference by Hardie Boys J. in Unna v. Auckland City Corporation [1959] N.Z.L.R. 507'. We look up Unna's case at the appropriate page, and find the following momentous passage: 'The doctrine of substantial performance is discussed in Cheshire & Fifoot on Contracts, 4th ed., 439 et seq.'. What is the purpose of cluttering up a text-book with nonsensical references like this?

It will have become clear that, at least in this reviewer's opinion, the New Zealand edition of Cheshire & Fifoot is not without its faults. It is due to the fact that the English and New Zealand courts have not diverged to any great extent on their view of the common law that the defects in the book are not much more serious. Nevertheless to a practitioner at any rate, and also, one would hope, to a student, the lack of any sort of reasonable completeness in the citation of New Zealand cases will provide a formidable obstacle to the book's ready acceptance. Indeed, the only justification for a New Zealand edition of an overseas text-book is that it should provide comprehensive treatment of New Zealand material: this is precisely what is lacking in the book under review. Quite apart from the defects inherent in the original Cheshire & Fifoot, it is tragic that the opportunity has been missed to provide a book on Contract with a genuine New Zealand flavour. The material is certainly at hand, and it is hoped that in any further edition more use may be made of it. As it is, the New Zealand material presented in the New Zealand edition could quite as easily have been contained in a 20 or 30 page supplement to the current English edition. We would then perhaps have been spared the virtually incomprehensible table of New Zealand statutes which appears in the New Zealand edition.

Whatever the merits or demerits of the New Zealand edition (which costs some 30s. more than the 5th English edition), the publishers have guaranteed its market in New Zealand by terminating supplies of the English edition. Those (and there will be many) who want Cheshire & Fifoot will therefore have to buy the New

Zealand edition, and provided they do not expect too much New Zealand material they will find it at least as useful as the English edition.

B.D.INGLIS

THE CONCEPT OF LAW, by H.L.A.Hart, M.A. 1961. Oxford University Press (Clarendon Law Series) viii + 231 + (Notes to Chapters) 232 - 257 + (Index) 5 pp.

It is difficult to do justice to this book in a short review. The Swedish jurist A.V.Lundstedt in his book "Legal Thinking Revised", once asked whether English lawyers were really interested in problems of legal philosophy. Before Professor Hart's book, one might have been most reluctant to give a categorical assurance in the affirmative. There have, of course, been valuable jurisprudential discussions of particular topics in both books (Professor Hart's and Mr. A.M.Honore's earlier work entitled "Causation in the Law", Oxford, 1959, is an example) and articles in learned reviews. Again, the output of academic writing on Jurisprudence for students continues its steady flow: a recent example is Professor Dennis Lloyd's admirable "Introduction to Jurisprudence", Stevens, 1959. But Professor Hart's book falls into quite a different category. "The Concept of Law" penetrates the most basic problems of legal philosophy and, as the jacket justifiably claims, "makes a fresh start in legal theory".

Professor Hart's aim is to "further the understanding of law, coercion, and morality as different but related social phenomena." (Preface, p.vii). In Chapter I, Hart identifies "three recurrent issues" which have cropped up again and again in the controversies of jurists. These are: How does law differ from and how is it related to orders backed by threats? How does legal obligation differ from, and how is it related to, moral obligation? What are rules and to what extent is law an affair of rules? It is these three issues which underlie the old questions 'What is law?'. But it is not the author's purpose to provide a definition of law. (On defining law, see Benn & Peters, Social Principles and the Democratic State, Chap. 3 and Kantorowicz, The Definition of Law.)

Hart raises many questions during the course of his exposition which might be said to be about the meanings of words. He hopes, with Professor J.L.Austin,* that a sharpened awareness of words will also sharpen our awareness of the phenomena which they describe. "Command" is a word which receives analysis of this kind (in Chapter II). Hart adopts the technique advocated by Wittgenstein: he is prepared to "look and see" whether any common factor can be discovered in the use of the same word in different

* Wyckham Professor of Logic at Oxford until his death in 1959; not to be confused with John Austin, the "father of English Jurisprudence" (1790-1859)

contexts. Having looked accordingly at the notion of "commanding" he reveals that, amongst other things, "It need not be the case, where a command is given, that there should be a latent threat of harm in the event of disobedience." (p.20) Further analysis reveals the way in which a gunman's order to a bank clerk: "Hand over, or I shoot!" differs from a typical law.

In Chapter III Hart examines the variety of laws. An important distinction can, and must, be drawn between laws that confer powers and those which impose duties. The latter alone are analogous to orders backed by threats; power-conferring rules are rather "recipes for creating duties". No claim is made that this is an exhaustive division; a full detailed taxonomy of the varieties of law still remains to be accomplished. In this chapter, Hart proceeds to ask the important questions: Is nullity a sanction? and: Can Power-conferring rules be regarded as really fragments of laws? To summarise the answers given would only distort them. Distortion of a writer's views seems, incidentally, to be one of the prevalent sins of the Jurisprudence student. In the latter part of Chapter III, Hart distinguishes one from another some of the important questions that can be asked about the role of customs as a source of law.

Chapter IV contains a brilliant criticism of the unsophisticated Austinian doctrine of sovereignty and John Austin's picture of a "bulk of a given society" with its "habits of obedience". Two questions lay bare the inadequacies of an oversimple picture: How does a "habit of obedience" to Rex I entail the obedience which society renders to Rex II, his successor? (Where "Rex" stands for the "sovereign" in the given society). And how can law made by an earlier legislator, long dead, still be law for a society that cannot be said habitually to obey him? The answers involve research into the reasons for the continuity and the persistence of law. These questions are the more important in view of Hart's conclusion that the Austinian sovereign cannot be identified with either the electorate or the legislature of a modern state!

Austin's failure might indeed be traced to the fact that the elements out of which his theory was constructed could not yield "the idea of a rule, without which we cannot hope to elucidate even the most elementary forms of law". (p.78) So Hart makes his "fresh start" in Chapter V by defining "primary" and "secondary" rules. He makes the far-reaching claim that in the combination of primary rules of obligation with the secondary

rules of recognition, change and adjudication there lies what Austin wrongly claimed to have found in the notion of "command", namely "the key to the science of jurisprudence". This insight furnishes a criterion for the validity of a rule. To say "that a particular rule is valid means that it satisfies all the criteria provided by the rule of recognition" (unstated, but accepted). (Chapter VI, p.100).

A theme running throughout the book is the distinction which may be drawn between the external and the internal aspect of rules. The "external point of view" limits itself to the observable and so predictable regularities of behaviour: when the light turns red, cars stop. The "internal point of view" about rules looks at them as determining standards of behaviour which are accepted by members of society as guides to conduct by which they may regulate "their conduct and criticise their own and others" conduct: the red light is also a signal to motorists to stop. Failure to allow rules this double dimension is perhaps the chief mistake of the "Rule Sceptics" whose errors Hart lucidly exposes in Chapter VII. Indeed, anyone who, like Olivecrona or Lundstedt denies that rules exist, has not seen the second dimension at all!

In Chapter VIII Hart explains what the criterion of justice, as usually appealed to, when criticising a law or proposed new law, involves and he expounds his view that justice is but a segment of morality. Next, he examines the similarities - and the differences - between legal and moral rules; dissects the old-established theory most recently supported by Kantorowicz (though also in a modified form by St.John-Stevas in "Life, Death and the Law", Chapter 1), that law is concerned with externals, morality with internals; and examines the arguments of those who claim that there is a "necessary connection" between law and morals: no more connection is "necessary", in Hart's view, than that both kinds of rule should reflect the "minimum content of Natural Law" which is set forth in the form of 5 truisms. Finally, in Chapter X, Hart has some valuable things to say about the character of International Law: he rejects, in devastating fashion, the claim that international law is to be placed in a "conceptual waste paper basket" labelled "Morality" along with rules of etiquette and social customs. And we must emancipate ourselves, states Hart, from the assumption that international law must contain a basic rule pacta sunt servanda or any other.

"The Concept of Law" is at once brilliant, compelling and and difficult. The discussion proceeds at a level of generality which some may find dull. Detailed notes and elaborations of minor points are all left to the end, while footnotes have been kept to the barest minimum. Difficult questions which are naturally suggested by the trend of the argument are often noticed but not discussed. To do so would presumably only distract attention from the central thesis being advanced. This I take to be that many old problems disappear with the aid of the new conception of law as the union of two different kinds of rules. A repeated, and always illuminating, contrast is drawn between the rules of a legal system and the rules of a game (usually cricket, of which Professor Hart is, or was, a keen exponent). It is difficult to find any major point upon which to disagree with Professor Hart: his arguments are usually overwhelmingly convincing. Sometimes one is uneasily aware that further analysis might reveal still further complexities which are either ignored, or lightly skated over, in the text. One example is, perhaps, Hart's discussion of the form of moral pressure to comply with the demands of morality (Chapter VIII, p.175). I wonder whether the distinction between legal rules and moral rules can profitably be stated in terms of typical characteristics, threats providing the pressure for the former, "appeals to the respect for the rules" for the latter. Those appeals may themselves be so diverse in nature, and so differently motivated (e.g. to awaken a sense of guilt or remorse; to play on another's conscience simpliciter; to preserve something which another's allegedly immoral conduct is threatening - to take only some) that I wonder if the word "appeal" is not here being used as a label which conceals the many different ways in which we offer criticism of another's conduct to that other in social life?

"The Concept of Law" is essential reading for students of Jurisprudence who wish to advance beyond the kindergarten stage in the subject. May I, as a very recent, and admiring, student of Professor Hart, commend this book to anyone who wishes to come appreciably closer to answering the questions which have constantly puzzled legal theorists?

D.L.M.