

Understanding the Australian Legal System (fourth edition) by John Carvan, The Lawbook Company, RRP \$31.20

I found the primer to be a good easy read aimed at students commencing tertiary studies in law, business or government.

The book disclosed aspects of the law that I had not been aware of (despite practising for over 25 years) and clarified a disturbing number of other principles that I had simply utilised without subjecting them to scrutiny.

To fit a broad discussion of the sources of law and law making process, the legal system, legal interpretation and concepts, as well as explaining the fundamentals of contracts, commercial dealings and torts, all in

less than 200 pages is a very difficult task, made seemingly easy by Mr Carvan.

I thought the author's classification of laws was overly simplistic and failed to recognise the sweeping changes to the regulation of people's behaviour to others, particularly in relation to gathering, storage and access to personal information; discrimination; and the development of commissions and tribunals to provide easier access for redress of grievances on professional conduct, quality of services and products, and other personal rights.

Readers interested in criminal law will have to skip to small sections throughout the book to find the relatively few applications as the focus, broad though it is, does not devote much space to crime and the criminal justice system.

On a parochial note I was also disappointed that chapter three on the

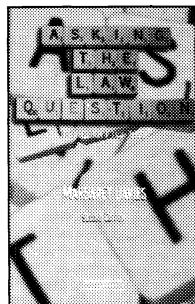
Law-Making Process made not mention of the Territories at all, despite self-government for both the ACT and NT.

While I understand that a beginner text must look to its largest audience, and Mr Carvan acknowledged that he based his text on the law of NSW, I found that focus, together with extensive material devoted to the English origins, somewhat distracting, as it reduced the space available for a broader look at what is happening throughout Australia.

Please don't be put off by my small criticisms, as the book is well written, very clear and concise and admirably succeeds in being a plain English primer on law.

The book also reinforced my personal view that if we don't learn something new about the law everyday, we should change careers.

- **David Farquhar, partner, Cridlands Lawyers**



Asking the Law Question by Margaret Davies, The Lawbook Company, RRP \$68.26

This book gave me much pleasure as one who enjoys

philosophy and matters metaphysical. It also gives me the pleasure of one who had to suffer through 1985 jurisprudential theory that was accepted by the powers that be (my professors) but the woman knew it was wrong.

That feeling has now been exonerated and endorsed by this book. The theories of Hart for example are reviewed and seen in post-modern terms and are able to be seen as the: *view of the liberal thinker who sees himself as a free agent relating to a world of discernible analytical structures, and thinks that this is the condition of everyone.* (p14)

Today we know that to be an artificial fairy story – our world knowledge is far more complex than that.

Asking the Law Question: the dissolution of Legal Theory by Margaret Davies is one of those blessed snapshots of the history of ideas that updates and informs the older lawyer who has not specifically reviewed how far one's thoughts and knowledge have in fact progressed since student days nor appreciated the complexity of the crustacean that was originally the first lecture on positivism.

For the law student, young graduated or interested "dipper" in other disciplines the author has summarised the progression of the critical thought that constitutes law thoroughly and effectively in one book.

She does not limit herself to only theories that she likes or only suit the purposes of her argument. The book surveys and summarises the history of the theories of law and then takes the reader to the view of this history as seen by the current thinker or student.

Post modernism and deconstruction constitutes the subject matter of Chapter Eight. It also is the lens through which the entire history of the philosophy of law is viewed throughout the book.

That I must acknowledge the currency

and power of post modernism as the crucial filter in the discipline also shows it to be the nexus between a 1980s educated lawyer and the young 1990s post technology, post knowledge explosion student.

We all share a world of infinite complexity and inter-relatedness with almost nothing able to be seen as an absolute. Objective facts that are able to be independently known are a thing of the past. All knowledge and belief is contextual.

Professor Davies approaches the ideals of justice with an analysis matrix that is current, topical and rigorous.

If you only read this book this year your metaphysical diet will contain the essentials for you to critically analyse the society in which you function; the institutions which constitute the major structures in that society and the role you purport to play as you and justice continue the eternal relationship which defines our individual humanity.

I recommend this book to any reader and especially to the ones who would never voluntarily read a philosophical tome.

- **Alexis Fraser, Office of the DPP**