

The formula limits the policy to Loss of Gross Profit due to Reduction of Turnover and Increase in Cost of Working. The Turnover is used as the index for measuring the effect of the accident upon the profits of the business. This general formula is then qualified by a Standard Adjustments Clause to provide for the Trend of the Business, or Variations in, and Special Circumstances affecting, the Business. This clause usually appears as a qualification to the definition of the terms (Rate of Gross Profit, *etc.*, in the Schedule).

What is not clear is whether the amount ascertained under this formula is recoverable or whether one is limited to actual loss, this type of insurance being in general governed by the principle of indemnity.

This work should be extremely useful to all who are either engaged in insurance work or compelled to consider the necessity of such cover. It has a wealth of forms (including American) and examples in the Appendices. The general organization is clear and logical but it suffers from a certain repetitiveness and poor planning in detail. For example, the discussion of the problem referred to above is dealt with partly in the section dealing with the principle of indemnity and is then buried in the chapter dealing with 'New Business and Departmental Requirements'. This is not to detract from the comprehensive nature of the work, which is its leading feature.

F. P. DONOVAN

The Development of Australian Trade Union Law, by J. H. PORTUS, Commissioner under the Conciliation and Arbitration Act of the Commonwealth, Member of the English and South Australian Bars. (Melbourne University Press, 1958), pp. i-xxix, 1-260. Price £1 17s. 3d.

This book is based on a thesis with which the author qualified to share in the award of the Harbison-Higinbotham research scholarship of the University of Melbourne in 1956. It is a happy coincidence that a thesis on trade union law should merit that award; the scholarship endowment is a memorial to the late George Higinbotham, sometime Chief Justice of the Supreme Court of the Colony of Victoria, who made a notable contribution to Victorian trade union history. The author is a commissioner under the federal Conciliation and Arbitration Act and a member of the English and South Australian Bars.

The adoption of compulsory arbitration in Australia has required a body of trade union law different from that obtaining in England or America where the emphasis is on collective bargaining. Because arbitration is founded on the desire for the utmost freedom of the community from industrial disturbance and because, once established, arbitration must be superior to the disputants, it has been necessary to proscribe many forms of industrial conflict which would be tolerated in England or America. Because of this, there has been little chance for Australian courts to develop common law principles about industrial conflict between unions and outsiders. On the other hand, relations between union members *inter se* and, in particular, protection of union members against arbitrary deprivation of the liberty to pursue a chosen calling are matters to which Australian courts can still apply the techniques of the common law.

Australian trade union law is compounded of many ingredients. There has been much legislation and because legislators do not clean up as they go along this branch of the law is extremely complex. To explain the

present-day law it is necessary to trace developments since the end of the eighteenth century. The first third of the book is devoted to the English background, while the remainder is about Australian legislation and its interpretation. In this latter part there is a treatment of such things as the law governing industrial agreements, awards, subscriptions, fines and levies, voluntary and compulsory unionism, government control over trade union affairs and legal controls of industrial conflict. The book deals not merely with federal legislation but also the legislation of all Australian States.

In sum, this is a very useful work. Mr Portus has handled a vast amount of detail in a manner which must compel appreciation by anybody who has had to investigate this area of the law.

As our society becomes more dependent on the highly trained technologist and higher education becomes more general the structure of the work force will undoubtedly change and it will then be necessary to re-examine the basic assumptions of our trade union law. A conspectus such as this book provides is a prerequisite for that task.

H. A. J. FORD

Studies in Jurisprudence and Criminal Theory, by JEROME HALL, Distinguished Service Professor of Law, Indiana University. (Oceana Publications, New York, 1958), pp. i-vi, 7-295, index 297-300. Price \$6.

In this volume, Professor Hall collects fifteen discrete essays he has made over the years into the field of jurisprudence. Only three of them are appearing for the first time. In the foreword he expresses a hope that the reader will be persuaded by cross-references in footnotes and index to view the book as an integrated unit. This hope is not realized. The field of jurisprudence is a limitless one; and, although in Chapters I and II the author makes a sincere but wordy gesture towards an 'integrative jurisprudence', he himself studiously avoids attempting to reduce the field to a simple binding formula. The reader will be disappointed if he looks for any such simple approach by which he could 'tab' the author.

But this is not a defect in the book. On the contrary, its value is much enhanced by the fact that the author, a jurist whose learning has been internationally appreciated for many years, can still avoid the pitfall of offering a misleadingly simple key to an essentially complex field. As we are assured by the confessedly great Parkinson, 'A perfection of planned layout is achieved only by institutions on the point of collapse'. Hall is more concerned to sharpen the tools of legal analysis; for until that is done we are not ready to tackle the larger integrative problems.

This collection can readily be divided into two parts—

Part I: Chapters I to IX, Jurisprudence—General.

Part II: Chapters X to XV, Jurisprudence—Criminal Theory.

Perhaps the most captivating essay in Part I is Chapter VI, a discursive ramble through 'Culture, Comparative Law and Jurisprudence'. In this very readable piece, Professor Hall draws interesting comparisons between the American and Korean legal climates. Then he pursues a tangential study in semantics, criticizing the excessive philosophical concentration on words as self-sufficient integers, and exhorting us to get down to the only profitable pastime, that of discovering and making objective a specific identifiable referent for each word.

The author's special skill is evinced in Part II, Criminal Theory, note-