

tribunals in this country. (There is a case for placing that chapter after chapter three so that the student can know what sort of legislated creatures he has to cope with before he sees what the courts have done to them.)

The only criticism one would make is that a fuller discussion of some of the more important cases would be helpful to make them stand out for the student. Doubtless, however, the writers intended this work to be used for teaching purposes in conjunction with a casebook. As it is, even *Ridge v. Baldwin* does not emerge here as quite the major decision it may well prove to be.

Generally then, they have coped manfully and courageously with a highly complex task. With equal courage they have not hesitated on some thorny topics to express their own stringent and careful conclusions; these opinions are valuable guides for the student who has tried hard to grapple with a problem in depth and deserves help at the end of his struggles. One might indeed wish that they had been even more forthright in criticism in many other areas, where the present state of the law is confused—or defective—in protecting the citizen.

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*Cases and Materials on Constitutional and Administrative Law*, by GEOFFREY WILSON, M.A., LL.B. (Cambridge University Press, 1966), pp. i-xxv, 1-609. Australian price \$5.80.

Mr Wilson's compilation does not fit easily into any of the three casebook categories most familiar in Australian Universities. It does not seem intended or, indeed, particularly suitable for use in class; it is not a work of reference containing extensive editorial discussion of the principles exemplified by the materials compiled; and it can by no means be dismissed as merely a students' time and energy saver—a moderately respectable relative of the Nutshell series. In the reviewer's opinion its quite considerable value and its justification arise mainly from the inclusion of much material which would otherwise be largely inaccessible to students.

Rejecting any sharp distinction between legal and conventional rules, Mr Wilson has gathered from a number of sources, including the Royal Archives, Her Majesty's Stationery Office, The Times, Hansard and various books by or about leading political figures, a considerable amount of interesting and often fascinating matter bearing on the powers and duties of the Crown, its Ministers, other members of the legislature and the judiciary. Such an approach not only demonstrates that there are still surprisingly large and important areas in which the rules are uncertain but, in so doing, it also reveals with some clarity the respects in which the United Kingdom constitution is not altogether suitable for export.

If, in fact, the distinction between legal and conventional rules has led to undue emphasis on the former at the expense of the latter, one must agree that the balance should be regressed. It does not follow, however, that the distinction should be forgotten or obscured. Indeed, the importance of the conventional part of the United Kingdom Constitution is such that it would seem most desirable that the attention of students should be directed to the important differences between legal and conventional rules as well as to their similarity. In this last respect the book is open to criticism. Nevertheless if one concentrates on the conventional

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material that is included, there seems no doubt that there is much which should prove of value to the Australian student as well as to his British counterpart.

Apart from the selection and arrangement of this matter and the generally familiar cases and statutes, the editor's contribution has been mainly confined to short notes on the social and political background to selected extracts. In this task he has been admirably influenced by the undoubted truth that a proper understanding of the significance of many precedents in British constitutional law requires a knowledge of their context which is not always easily available.

There is so much that is meritorious in the editor's compilation and collation of materials that it is a great pity that the reviewer's praise must be further qualified. It is, to put it as mildly as possible, somewhat surprising to find in a book with such a title a mere fifty pages out of six hundred devoted to the courts and the administration. By imposing such a restriction, Mr Wilson has left himself no possibility of dealing adequately with even the main problems of judicial review. It is unfortunate that having stated so boldly his determination to cast aside some of the shackles of Dicey, he has not attempted to break free from the most enduring regrettable influence of that writer's classic treatise. Whatever the position in Dicey's lifetime it is surely clear that one cannot now deal satisfactorily with the problems of administrative law by treating the subject as a mere appendage to the miscellany of topics which that celebrated and influential author brought together.

In his preface Mr Wilson expresses the hope that 'in a future edition it may be possible to do more to rob administrative law of some of its gothick terrors'. One may doubt, with respect, whether much can be accomplished without a considerable increase in the size of the volume. A preferable decision would seem to be to delete the chapter on judicial review entirely. Unless either of these courses is adopted the danger is that although any 'gothick terrors' of the subject may be removed this will be done at the price of introducing a quite misleading appearance of simplicity.

M. C. CULLITY\*

*Mental Abnormality and Criminal Responsibility—A Plea for Justice* (Victorian Branch of the Australian Labor Party, 1965), pp. 5-55. Price 50c.

The Victorian Branch of the Australian Labor Party has published a report recommending reforms of the law relating to the effects of insanity on criminal responsibility. The members of that Committee were Senator S. H. Cohen, Q.C., B.A., LL.M. (Chairman); The Hon. V. J. Doube, Dip.Phys.Ed. (formerly Minister for Health, Victoria); Mr Clyde Holding, LL.B., M.L.A.; Dr H. A. Jenkins, M.Sc., M.B., B.S., M.L.A.; Mr R. E. McGarvie, Q.C., LL.B. (Hons.); Mr I. S. Plotkin, LL.B.

The booklet discusses the law relating to insanity as it exists in Victoria today and then goes on to canvas the ways in which that law should be changed. To any thinking lawyer, the fact that the Committee is violently opposed to the continuance of the M'Naghten rules will come as no surprise. The inadequacies and the unscientific nature of those rules are

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