

BOOK REVIEWS

Freedom in Australia, by ENID CAMPBELL and HARRY WHITMORE (Sydney University Press, 1966), pp. i-xiv, 1-298. Price \$7.00.

This is a good book. In addition to being a good book in itself, the achievement of the authors in writing it is admirable for several reasons. The range of material covered is wide and detailed; the style and standard of comment is high; and for the most part the difficult task is accomplished of expressing firm and attractive opinions on controversial subjects. The authors do not appear to have set out to please anyone except themselves and show no sign of having any particular axe to grind. They have avoided both impractical liberalism on the one hand and apologetics for the *status quo* on the other. They have set out to inform the reasonably intelligent layman of the state of affairs with respect to freedom of individual activities in Australia and to draw attention, without evasion or circumlocution, to the implications of the state of affairs revealed, whether good or bad in any particular instance. The result is informative and, with trivial reservations, very readable.

Freedom in the sense of civil liberty is nowadays generally thought of in relation to encounters with the police and freedom of speech. Contempt of court, censorship of public entertainment, and obscenity may or may not be brought into the discussion according to the context. Had the authors of this book stopped at any of these usual stopping points, no-one would have been surprised. They have not done so. They have ranged more widely and included discussions of a number of other matters not immediately thought of as pertaining to freedom. Such other matters are the right to work, the interplay between government and people in ownership of property, the effect of the discretion to prosecute (as distinguished from the incidents of prosecution), defamation, treatment of the sick and the teaching of religion in schools. The balance, common sense and conciseness of most of these discussions, particularly in relation to freedom to work and freedom of property, is highly to be commended.

A book of this kind is peculiarly difficult to write. It is on the face of it the sort of book one expects a political scientist or unusually highly qualified journalist to write rather than a lawyer. It is no reflection on the professions of political science and journalism to observe that although wide-ranging social comment is part of normal professional competence in those areas, scholars particularly skilled in them are not likely to produce a satisfactory book about everyday freedom. What is lacking is a professional grasp of the law and legal machinery upon which the rest is based. By contrast, books of this kind by lawyers run the risk of being unsatisfactory and uninteresting to anyone other than a lawyer, and perhaps even to lawyers themselves, for the opposite reason. A professional lawyer is very well aware of the legal intricacies lying behind a social situation, such as the entertaining, if exasperating, history of section 92 of the Constitution, but often lacks a sufficient sense of the social situation itself. It is pleasing to find two lawyers who have overcome the natural limitations of the profession and succeeded so admirably in combining their professional competences with a clear understanding of the social, economic and political conditions with which the legal framework interacts.

There are in relation to many particular issues questions which the reader might take up with the authors. It would be pointless to carry on arguments of this kind in a book review. One criticism of a different

nature may be made. It is necessarily difficult when a book is written by more than one author to achieve complete homogeneity of style, and one would not expect it, but the contrasts in style between different parts of this book are sometimes more striking than one might have thought inevitable. As an instance a comparison between chapter 2, on police powers, and, say, chapters 6, 7, 14 and 15, on radio, television, theatre, cinema and the freedom to work and freedom of property, tempts this reviewer to the criticism that chapter 2 is written too loosely and with a tendency to imprecise colloquialism. Stylistically the difference is largely that whereas the latter chapters are written in short simple sentences, the earlier chapter is written in long involved sentences. It is hard to resist the inference that some parts of the books have been subjected to more precise intellectual discipline than others.

This criticism is a very minor one in relation to the inherent worth of the book as a whole. The authors have done a good job and one well worth doing. They are to be congratulated.

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International Law in Australia, edited by D. P. O'CONNELL (The Law Book Company Limited, 1966), pp. i-xliii, 1-603. Price \$11.00.

Compilations of this sort are notoriously difficult to review adequately, for few reviewers have expert knowledge of all the fields in which the numerous contributors write. In the present case, indeed, the reviewer had, until reading the book, no detailed knowledge at all of some of the topics selected by the authors. This particular deficiency, thanks to this book, no longer exists. There are twenty-one essays in the book and they cover many of the fields in which the modern State comes into contact with the rules of International Law. Not surprisingly, in view of their increasing importance, International Organizations are discussed in many of the contributions. There are not lacking, however, discussions of Australia's position in the setting of the rules of 'classical' International Law.

Some of the authors are public servants, writing about the work they do or have done in the course of their employment. The majority are academic lawyers, though not, it is believed, in all cases primarily *International* Lawyers. This is revealed by an occasional crudity or oversimplification in statements of what the International Law on a particular topic may be. But, as the title indicates, this is not really a book about International Law as such: it is rather a book about Australia's attitude towards those rules of International Law which makes an impact on her, a book of Australian Constitutional Law in its external setting. For this reason, and because there is no other theme or unity in the book, it cannot be recommended as a sufficient students' text-book of International Law, though students of International Law will be well-advised to read many of the individual articles. They will also, it must be said, (for such a collection as this is necessarily uneven in quality), be well advised to look elsewhere if they want authoritative statements on some topics. The standard of one or two of the contributions is very low—but so low that no warning against them should be necessary.

One of the chief values of the book lies in the statements of Australian State practice which it contains. Naturally enough, these are mainly, though by no means entirely, found in the contributions of the non-academic lawyers who are concerned with such matters. Rather factual essays dealing only with State practice are not readily available in the