

elusive. Professor Passmore in 'Civil Justice and its Rivals' distinguishes between opposing conceptions of justice — civil justice and communal justice, formal justice and social justice — defending the place of civil justice against the encroachment of social or distributive justice. We must protect the notion of treatment proportionate to competence, he argues, against reparative social justice. In a similar vein Professor Stone insists that equality and justice are not the same thing. Popular concepts of 'fairness' or 'equality' are ambiguous and indeterminate; they obscure the 'real tasks basic to the doing of justice', namely the explication of differences between human beings which are relevant to making justifiable discriminations between them. Drs Ferenc Feher and Agnes Heller criticize the 'spectre of egalitarianism' from a Marxist perspective, arguing that the 'abolition of alienation' cannot be achieved through a blanket abolition of private ownership, which merely serves to increase the power of the state vis-à-vis the individual. Justice will be a continuing problem in any society, as social conflict is unavoidable.

In other essays Professor Brian Barry contemplates the problems of international justice, Professor Alice Erh-Soon Tay defends the responsiveness and flexibility of the sense of justice in the common law, and Professor Wieslaw Lang counterposes the Marxist idea of justice with contemporary liberal theories of justice.

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The High Court and the Constitution by Leslie Zines, (Butterworths, Sydney, 1980). Price \$35.00 (hard), \$27.50 (paper back). ISBN 0 409 30019 5.

This timely work, and I use the term 'timely' after deliberation, bears a cover sketch of the new High Court building. It contains substantial discussion of the decisions of the 'Barwick Court', and has clearly been produced to coincide with the two judicial events: the opening of the High Court's permanent home and the retirement of the Chief Justice.

Unfortunately, and to this 'timeliness' I ascribe the physical faults of the book, I found it almost impossible to perform my assigned task and actually read the book. It is uncomfortable to read, partly due to the small and close-set type face chosen, but primarily because of the layout chosen. Bearing all the hall-marks of a rushed production, the book is scantily foot-noted. The material which one may describe as peripheral commentary rightly finds itself in footnotes, but all case citations and such material appear in the text. A sentence may thus be broken in more than one place by numeric material totally irrelevant to the sense of the text, and, in fact, downright disruptive to the flow of the work.

Physical defects aside, the book is a lively commentary upon areas of federal judicial reasoning which clearly appeal to the author. If considered almost as a series of essays, rather than a work of cohesion and completeness, it comes as less of a surprise to find areas apparently missing from the contents and index. From this work one could almost believe that the Constitution does not intone 'There shall be an Inter-State Commission . . .'. I found the Inter-State Commission discussed briefly only by searching the Table of Cases for the *Wheat* case; (it was, thankfully, listed under its colloquial name) and following three 'false starts' referring to the *Wheat* case in relation to its commentary upon section 92 of the Constitution, a two-page discussion of the apparently mandatory but inexplicably non-existent body ensues, by way of illustration of the principle of the separation of powers. I consider it therefore unfortunate that, having put the book to its common use as a reference work, I needed the knowledge which I sought to achieve my purpose.

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BOOKS RECEIVED

The Protection of Trade Secrets by W. R. McComas, Mark R. Davidson and David M. Gonski, (Butterworths, Sydney, 1981), ISBN 0 409 30028 4.

The Law of Partnership in Australia and New Zealand by P. F. P. Higgins and K. L. Fletcher, (Fourth edition, The Law Book Co. Ltd, Sydney, 1981) ISBN 0 455 20237 0.

The Law of Contract by Cheshire and Fifoot, Fourth Australian edition by J. G. Starke and P. F. P. Higgins, (Butterworths, Sydney, 1981) ISBN 0 409 49037 7.

The Law of Criminal Conspiracy by Peter Gillies, (The Law Book Co. Ltd, Sydney, 1981), ISBN 0 455 20079 3.

The Law Making Process by Michael Zander, (Weidenfeld and Nicholson, London, 1980) ISBN 0 297 77750 5.

Psychological Survival by Stanley Cohen and Laurie Taylor (Second edition, Penguin Books, Melbourne, 1981) ISBN 0 1402 1657 X.

Beyond Reasonable Doubt by David A. Yallop, (Penguin Books, 1980) ISBN 0 1400 5637 8.

Morison, Sharwood, Phegan and Sappideen's Cases on Torts by W. L. Morison, C. S. Phegan and C. Sappideen, (Fifth edition, The Law Book Co. Ltd, Sydney, 1981) ISBN 0 455 20251 6.

Photocopying: A Guide to the 1980 Amendments to the Copyright Act by James Lahore, (Butterworths, Sydney, 1980) ISBN 0 409 49034 2.

Legal and Commercial Dictionary: English/Italian by Luigi Mastellone, (Butterworths, Sydney, 1980), ISBN 0 409 30021 7.

A History of the Law in Western Australia by Enid Russell, (University of Western Australia Press, Nedlands W.A., 1980) ISBN 0 85564 171 1.

Ideas and Ideologies: Law and Social Control edited by Eugene Kamenka and Alice Erh-Soon Tay, (Edward Arnold, London, 1980) ISBN 0 7131 6175 2.