

BOOK REVIEW

UNDERSTANDING LAW AN INTRODUCTION TO AUSTRALIA'S LEGAL SYSTEM

3rd edition, Sydney, Butterworths, 145 pages

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I wonder how many of us recall reading our first 'real' book - that is, one without any illustrations at all. Now as I reread the chapters of *Understanding Law: An Introduction to Australia's Legal System* which are accompanied by pen and ink sketches, I clearly remember thinking as a child how I would be transformed - as if from a chrysalis - once I finally cast aside all texts with pictures, however wondrous the visual promises they might hold. And of course these associations continued into adulthood. I cannot recall reading any texts in any way related to law which were pleasing to the eye when I was a law student in the United States in the mid 1970's. Now, thankfully, we witness a few, well selected texts of appealing clarity and humour, which include delightful sketches and cartoons - even though they may be written for non-lawyers.²

The rather light-hearted and whimsical illustrations in *Understanding the Law* do not, however, detract from the critical perspectives that Chisholm and Nettheim adopt in this 'rather traditional book'.³ The flavour - at times witty, anecdotal, and lyrical as well as lucid - the overall desire by the authors to demystify the law and their willingness to open up the law to public scrutiny are constant in each edition as a perusal of the three Prefaces indicates. In addition, these sections reflect how this easy to read, basic introductory law text manages to keep ahead of current legal issues.

Chisholm and Nettheim note that the 1988 third edition of *Understanding Law* might in fact become a collector's item - it was one of the few things produced in Australia which was *not* part of the Bicentennial celebrations.⁴ In fact the authors rather forthrightly state their ambivalence about the Bicentenary; this sentiment is reflected in their account of the impact of white law on Aboriginal people in Chapter 2 of *Understanding Law*. The impoverishment and dispossession of the Aborigines is a theme which is developed in the text.

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² This does not mean, though, that secondary school legal studies students and students bound for the study of law at tertiary institutions cannot profit from reading this book.

³ This rather tongue-in-cheek description is on page vii of the third edition.

⁴ At page vii.

The third edition includes both minor and more major refinements, and additions. The Chapters entitled 'Introduction', 'Main Branches of Law', 'Where Law comes From: Case Law', and 'Due Process of Law' remain substantially the same as in the second edition, whereas, 'Where Law Comes From' and 'Limits on Legislative Power' highlight recent changes in the power and status of legislatures. Worthy of note is Chapter 2, 'English Law and Australian Law' which in the third edition has been renamed, 'Aboriginal Law, English Law, and Australian Law', and reconstructed to emphasise the historical development of - and thus perhaps the importance of - Aboriginal law.

Chapter 7, 'Courts and the Interpretation of Legislation', has been reworked to provide a more digestible summary of the role of the courts in the interpretation of legislation. The discussion of lawyers in Chapter 8 is indeed juicier and meatier - the potential gender and class bias of members of the High Court is raised again while hints of scandals about judges, which the authors note have been 'mercifully few in recent Australian history'⁵, are divulged. The inclusion of topic headings, examples of the creative use of legal aid, and information on alternative approaches to dispute resolution, which briefly discusses small claims courts and tribunals and community justice mechanisms, further improve upon the second edition of Chapter 11, 'Legal Aid and Access to Justice'. Perhaps in the fourth edition we can look forward to an elaboration of other means of conflict resolution, such as negotiation and mediation.

As with some introductory texts written specifically for the layperson, *Understanding Law* closes with a chapter entitled 'Law and Morality'. As might be expected this final chapter raises deeper, philosophical concerns which Chisholm and Nettheim explore by reference to matters of topical concern for many readers today - for example, the use of the criminal law to combat the AIDS epidemic.

Given the appeal of this book, I believe that it is more than likely that its readers will wish to consult the index (which also incorporates cases and legislation), and some, perhaps many, of the texts listed under 'Additional Reading'. In the third edition these references have been grouped under categories for ease of access. The final section of the book includes a list of related titles which appear geared to the interests secondary school legal studies teachers and students as well as those of non-lawyers.

In the Preface to the first edition of *Understanding Law* both authors do in fact note their close collaboration on the text, accepting 'joint and several responsibility' for its production.⁶ All I can add in my own crude lingo is, 'Wise move, great reading'!

⁵ At page 71.

⁶ At page xii in the third edition.