



REVIEWS

LAWYERS AND THE COURTS. By Brian Abel-Smith & Robert Stevens.
London: Heinmann Educational Books Ltd. 1967. Pp. xiv. 504.
63s.

THE BOOK PRESENTS a study of the lawyers and the courts in England from the year 1750 to 1965. It is a sociological study. The authors have deployed history, statistics, psychology, etc., as aids in the study of their subject-matter. The investigation is not confined and insulated. The subject is examined in its diverse inter-connections. Thus due attention is given to legal education and training of lawyers, the field of recruitment for judges, legal aid and advice and diversion of litigation to arbitration and administrative tribunals.

The authors have tried to maintain an objective approach in their investigation. Various aspects of a situation are presented and analyzed with fairness and candour. The authors, however, frankly acknowledge that their investigation is purposive and value-directed. The reviewer thinks that it is this feature of the book which should catch the attention and interest of the Indian readers.

The authors' major premise is that England is now a social service state. Their minor premise is that English judges and lawyers are reluctant to concede that courts provide a social service. Justice is still very costly and dilatory, and it does not reach the poor section of the people. To quote the authors :

By 1965 education and health services were available to all irrespective of income. The same could not be said of England's legal services and legal institutions...¹

The conclusion, to quote the authors again, is :

Courts, judges, legal aid and advice, the profession, and legal education had all avoided a major investigation for nearly a hundred years. The time for such an investigation was at hand.²

This syllogism guides the entire discussion. On closing the book one, however, remains curious to know how far the closed-shoppism of the legal profession is a reflection of the growing monopolistic trends in business and industry in England. Again, in a book like the present one, the reader would expect an articulate discussion of how far the courts in England have tried to relate, by judicial interpretation, the rule of law to the rule of life, which relationship has been accepted by the International Conference of Jurists at New Delhi.⁶ There is, of

1. Brian Abel-Smith & Robert Stevens, *Lawyers and the Courts* 348 (1967).

2. *Id.* at 468.

3. See *The Rule of Law in a Free Society* (A Report on the International Congress of Jurists, New Delhi, India) (Marsh, ed. 1959).



course, some discussion on this topic.⁴ But it does not appear to be free from vagueness and ambiguity.

The book will perhaps be a caviar for the majority of the professional lawyers in India. But it should certainly provide a stimulating study to them in this country, who are interested in the study of law as a social science.

S. N. Dwivedi.*

BRITISH DIGEST OF INTERNATIONAL LAW, PHASE I, Vol. 7 edited by Dr. Clive Parry. Consulting editor : Sir Gerald Fitzmaurice. (London : Stevens & Sons. 1965. Pp. xlii + 1019 ; Price £ 10.10s)

BRITISH DIGEST OF INTERNATIONAL LAW, published under the auspices of the International Law Fund is undoubtedly a monumental and unique work. It is a product of the sustained labour of a team of highly competent scholars for over a decade under the distinguished editorship of Dr. Clive Parry of the University of Cambridge. Professor Wortley very rightly remarks that "no one of the present generation of international lawyers knows as much about the sources of international law existing in England today as does Dr. Parry."¹ The consulting editor is the veteran Sir Gerald Fitzmaurice, at present a judge of the International Court of Justice.

The *Digest* is unique for a number of reasons. It is the first *British Digest* in the real sense of the term. Though H. A. Smith's *Great Britain and the Law of Nations* (1932-35), Lord McNair's *Law of Treaties and International Law Opinions*, B. Lauterpacht's *British Practice of International Law*, and the new *British Bulletin of Legal Developments* have done much to make British state practice in limited fields and in a limited sense generally available, none of these attempts to cover all aspects of state practice as Wharton, Moore, Hackworth or Whiteman *Digests* have done for the United States. The *British Digest* under review, however, is an achievement comparable to the American *Digests*.

The *British Digest* is based upon as comprehensive a collection of documents-archival and extra-archival, published and unpublished and other relevant literature as could be thought of by any scholar. The arrangement and treatment of the matter are also great improvements over any previous parallel publication.

4. See *supra* note 1, chapter 11 "The professional Judges and the Law," at 285 *et seq.*

*Judge, Allahabad High Court.

1. Parry, *The Sources and Evidences of International Law* (1965), see "Foreward."