



## **BOOK REVIEWS**

**READINGS IN LEGAL STUDIES.** By Ian Green; Ron Moloney and Nicholas Bates. Second Edition (1976). The Law Book Company Limited, Sydney, Australia Distributors N.M. Tripathi (Pvt.) Ltd., 164 Samal Das Gandhi Marg, Bombay. Pp. vi+187, Price A. \$ 6.50.

THE VOLUME under review is the second and revised edition of a collection of readings in legal studies prepared jointly by three authors, none of whom holds a formal law degree. Ian Green is a lecturer in business studies in Melbourne State College. Ron Moloney is a management consultant with a firm of chartered accountants. Nicholas Bates is a senior commerce master in Essendon Grammer School. The collaboration of the three authors has resulted in an excellent book of readings which communicates simply and precisely the elements of the Australian legal system, the role of its agencies and institutions and the value considerations involved in the impact on society through narrow and selected areas of business law.

The book is primarily meant for the higher school certificate, commercial and legal studies course. The first edition which was the original volume appeared in 1973 for the course in the State of Victoria. A wide reception of the first edition meant primarily for the Victorian course has led to the revised book under review seeking to provide reading material for other states in Australia for courses dealing with "the development of law subjects at the secondary level."

The general scheme of the book is woven round three sections of the prescribed course with an introduction by the authors and some directions for the use of the material by Moloney. The three main sections are: 'Legal Process', 'Law in Action' and 'Crime and Criminal Sanctions'. Brief and relevant extracts are drawn from various carefully selected writers and a very concise editor's note is affixed at the beginning of each extract selected for inclusion indicating the perspective being presented through it. Care is taken to avoid spoon-feeding the student through the notes thus retaining the need for the student to think for himself and discover trends in the light of his own reading and self-study for which some guidance is given in the note on the guidelines.

The section on 'Crime and Criminal Sanctions' appears at first sight to be unrelated in a book of readings designed for a course on commercial and legal studies. But a perusal of the details of the prescribed course which are also given in the book removes this doubt about the relevance of this section in the general scheme of the volume. One of the prescribed course contents is the study of rights and duties of persons towards (i) individuals, and (ii) society. The readings on crime and criminal sanctions relate to the



second part of the course dealing with rights and duties of persons towards society.

Approximately seventy-one pages of the material relate to the 'Legal Process', sixty-one pages to 'Law in Action' and thirty-six pages to 'Crime and Criminal Sanction'. It rebounds to the great credit of the authors that within such a short canvas they have succeeded in presenting the broad outlines of each section along with the problems that contemporary thinking and development trends in the general area of law and society raise in modern democratic societies. The significant sociological question of the impact of white law on black people has been raised in the context of intercultural interaction and the direction of search towards alternative systems within a nation has been indicated.

The itemisation of the sub-topics in each of the three sections round which the 'selections' are presented also confirms the developmental approach of the authors who view the law in relation to social change. Sub-topics like 'Law and Community', 'White Law, Black People', 'What is Wrong with Adversary System', 'Are All Men Really Equal Before the Law', 'The Law Business in Need of a Tonic', 'Consumers, Remedies', 'Alternatives to Imprisonment' amply illustrate the awareness of the authors of contemporary controversies in legal and social theory and their desire to acquaint students with the dilemmas facing their society to encourage them to think critically and constructively. The authors themselves observe in 'General Introduction' that "the emphasis should, therefore, be given to the factors in society that change the law, rather than engage in easy negativism".

In spite of this caution of the authors, easy negativism is likely to creep in unless the teachers bring devotion and manipulative skills to bear through the material on a set of willing and diligent students. The success of the first edition and its adoption in states other than Victoria would testify to the existence, in some measure, of the student-teacher qualities and relationship that the book assumes. However, as the authors themselves say in the 'guidelines' no book of readings can replace standard textbooks which have comprehensive coverage of a subject. The readings are intended to provide 'diverse' approaches for critical assessment and appraisal which this volume does admirably. For proper acquisition of knowledge and skill in the law subjects both the standard textbooks and reading materials are necessary aids. In systems of legal education based on external examiners, total course coverage of the subjects and lecture method, books of the type under review are unlikely to be used or be helpful.

This reviewer strongly commends this book to the Indian legal educators and hopes that some imaginative and agonised teachers of the very limited law schools in India free from traditional linkages of curricula and teaching for the LL.B. degree will emulate this model and bring out reading materials projecting the problems of law and social change in India through narrow selected areas treated in depth and societal complexity. Some young



law teachers of the Delhi Law School have made a small beginning in this direction recently. A careful study of this volume may help them to plan their revised editions better and more imaginatively.

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