

LORD ATKIN. By GEOFFREY LEWIS. [London: Butterworths. 1983.
xi + 248 pp. Hardcover: £14.95].

THIS is a good book. It is not exactly a biography of Lord Atkin. Such biographical detail as there is contained in the first chapter (by page 16 Atkin has already reached the age of forty-five, and the High Court bench). As the author and publishers state, there are special problems involved in writing the biography of a judge: only if he has achieved renown in some field apart from the law (or perhaps if his practice found him involved in a succession of sensational trials) in his life likely to be, frankly, of sufficient interest to the general reader. Atkin's friend, Lord Birkenhead (the incomparable F. E. Smith) was one such, and his biography, by his son, remains a classic of its kind, while Heuston's *Lives of the Lord Chancellors* also benefits from the fact that its subjects had public lives outside the law. Literary biography might appear to offer a closer analogy, but this is far from the case: the Law Reports would make strange reading indeed if they were continually used by their "authors" as a means of expressing their physical and emotional experiences.

So, Mr. Lewis has instead chosen an approach that is novel (although something similar was done to mark Lord Denning's retirement) and yet, like all the best ideas, so simple that one wonders how it can have taken so long to be attempted. He has examined the work (and thus, in a sense, the Me) of one of England's greatest judges by looking at a large number of his judgments (in the Court of Appeal, the House of Lords and the Privy Council) in a number of areas. Academics might turn up their noses at this approach (this is, perhaps, one reason why it has been so rarely attempted) but in fact it works very well. Of course, the main reason for this is the sheer quality of the material: some of Atkin's judgments (how different from modern outpourings of the House of Lords) cry out not simply to be read, but to be read aloud. A commentary on the collected (even selected) judgments of Kekewich J. would no doubt be less satisfying. Moreover, Atkin was a judge for an extraordinary thirty-one years. Nevertheless, Mr. Lewis deserves credit for editorial skill as well as for his own lucid commentary and keen analysis. The end result is that one gains a heightened impression not only of Atkin's greatness as a judge but also (and it is perhaps the book's main

achievement to show that this is no coincidence) his qualities as a man.

Every law student knows of certainly one and, one hopes, two of Atkin's judgments: the great statement of the neighbour principle in "the snail case" (as *Donoghue v. Stevenson* was rather endearingly known to its participants); and his outstanding dissent (only recently vindicated judicially) in *Liversidge v. Anderson*. Each has a chapter to itself, and they are the best in the book. It is interesting to see how the significance of the former case was largely missed by contemporary academics, at least in England. *Liversidge* is of particular note because for a short time, particularly after Lord Maugham's extraordinary attack on him in *The Times*, it made Atkin a real public figure. There are chapters on commercial law (actually Atkin's strong suit, so to speak), and the Privy Council (like many a great English judge his experience with post-colonial constitutions were not always happy); and a rather short piece on two Commissions that he chaired on the M'Naghten rules, and on legal education: the latter recommended the establishment of an Institute of Advanced Legal Studies, long before that was actually done (quite independently) by the University of London. There is also a slightly waffling chapter on Atkin's "liberal philosophy", and a strong final chapter on "Lord Atkin's legacy". There are also a number of appendices, one of which consists of an interesting autobiographical note.

Good use has been made of letters, diaries, and personal reminiscence so that a much fuller picture of Atkin emerges than would be obtained from simply examining the law reports. Thus we learn that he would often make up his mind early, and would rarely, if ever, be persuaded to change it, but devoted much effort to attempting to pull his colleagues round. With Bankes and Scrutton L.JJ. he formed what has been described as the most formidable Court of Appeal tribunal of the century. Scrutton was as strong-minded as Atkin himself, while Bankes apparently only dissented twice in nine years: "Scrutton and Atkin" according to Lord Denning, "fought for the body of Bankes."

Lord Atkin's place in the pantheon of English justice was assured long before this book was written. Mr. Lewis, as well as enabling us to focus more directly than before on the achievements of Atkin the judge, has in doing so given us a rare portrayal of Atkin the man. He emerges, as one would expect, deeply impressive: with marvellous intellectual gifts, firm in his convictions and refusal to compromise, with a clear understanding of the needs and wants of the ordinary litigant (especially the ordinary businessman); and kind without being sentimental: in short, the man whose portrait faces one unwaveringly from the jacket illustration of this highly recommended book.