

THE MORALITY OF LAW. By Lon L. Fuller. [New Haven and London: Yale U.P. 1964. viii + 202 pp. £1. 17s. 6d.]

Professor Fuller's name has become virtually a household word in legal circles for his assertion of the significance and even the supremacy of morality in the study of law. In his *Morality of Law* he defines law as "the enterprise of subjecting human conduct to the governance of rules", and contends that law is an activity and a legal system the product of a sustained productive effort. He believes that law possesses an inner morality which may be regarded as a morality of aspiration, which itself may be compared with the Greek search for the 'Good Life'. The inner morality of law demands generality; promulgation; generally speaking, prospective action as distinct from retroactivity; clarity; avoidance of contradictions; performance of the possible; constancy through time; and congruence between official action and declared rule.

These eight principles of the inner morality of law are not, however, to be taken as irreducible constants. "Where law is largely a reflection of extralegal morality, what appears in form as retrospective legislation may in substance represent merely the confirmation of views already widely held, or in process of development toward the rule finally enacted." When, however, the majority of these standards are rejected, Fuller contends there is no true law. This enables him to maintain his view on the non-legal character of Nazi law — although in this work the name of Radbruch does not appear. It also leads to his statement that "an examination of the legislation by which racial discrimination is maintained in South Africa reveals a gross departure from the demands of internal morality of law."

All those interested in the interplay between morality and law will find plenty in Professor Fuller's *Morality of Law* to give them food for thought. They might well ponder his statement that "it is easy to see that laws should be clearly expressed in general rules that are prospective in effect and made known to the citizen. But to know how, under what circumstances, and in what balance, these things should be achieved is no less an undertaking than being a lawgiver."