

THE SANCTITY OF CONTRACTS IN ENGLISH LAW. By Sir David Hughes Parry. [1959, London : Stevens & Sons, Ltd. 12s. 6d. vii + 77 pp.]

This little book, which can be read with appreciative enjoyment in less than two hours, contains the text of the Tenth Series of the Hamlyn lectures delivered by Sir David Hughes Parry at the University of Exeter in February and March this year. Sir David reviews the different underlying principles which have from time to time guided the English Courts in actions to enforce a promise or to punish (by the award of damages) its breach, and shows how these several principles have developed, many only to be discarded in the varying climate of moral, social or economic thought. In concluding he poses the question whether the time has not come when the whole structure of our law of contract might not be discarded as out-dated and ill-adapted to our present needs. The increasing number of "statutory contracts" in, for instance, rent control, carriage of goods (by both sea and air), and of statutory restrictions in, for instance, hire-purchase and moneylending transactions, are perhaps evidence of the inadequacy of the common law to present conditions. Sir David's lectures, however, will I think fulfil a wider purpose in causing the reader to reflect upon the implications not only of the very existence of a contract law but also of its present form which are frequently forgotten: in particular that freedom to contract at all implies a certain status, and a social order recognising the dignity and right of the individual; that practising lawyers pay mere lip-service to the notion

of consensus ad idem, which save in a most alternated form and then by a special definition scarcely finds a place in the current trend of thought on enforceable contracts; and that the machinery of commerce and credit, and with it our national and international economic system, depends on ability to rely upon the promises of others and the means of enforcing them.

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