

THE LAWYER AND JUSTICE. Edited by B.W. HARVEY. [London:
Sweet & Maxwell. 1978. vii+304 pp. Cased £6.00]

“This volume is something of a *Festschrift* — a celebration in particular of the first 50 years of the Holdsworth Club. The Holdsworth Club is an integral feature of the Faculty of Law of the University of Birmingham....” The Club appears to be unique in that its Presidents were, and still are, invited from “the most distinguished of the judiciary (and the occasional jurist)”. This volume contains fourteen addresses (one by Holdsworth, the rest by various

Presidents) collected under five themes: The Development of Ideas of Law and Justice, The Lawyer and the Public, The Role of the Lord Chancellor, The Judge as Lawmaker, Legal Education. Since the addresses were meant for oral delivery, they “lack the complexity and references which characterise a typical periodical article”. This cannot detract from the value of the addresses which are rich with insights into the workings of the English judicial process—not surprisingly as the addresses were given by Law Lords and Lord Justices of Appeal (with the exception of the addresses of Holdsworth and Roscoe Pound). Thus, we have the addresses of Russell L.J. and Lord Diplock on “Behind the Appellate Curtain” and “The Courts As Legislators” respectively. Lord Hailsham (both father and son) contributed: the father in 1936 with an address entitled “The Duties of a Lord Chancellor”, the son in 1972 with his address “The Problems of a Lord Chancellor”. In between these two addresses, we find Lord Gardiner’s address in 1968 entitled “The Trials of a Lord Chancellor” in which he stated what he believed to be the most important task for a Lord Chancellor: “I should say without hesitation the judicial appointments. The reason is that, however good your law is, if the Judge is a man who ought not to have been made a Judge then everything is wrong” (p. 221).

There are also thought-provoking addresses by Lord Wilberforce (on Law and Economics), Lord Radcliffe (Law and the Democratic State), Lord Atkin (Law and Civic Life). Lord Wilberforce’s address on the relationship between law and economics and on the influence of the latter on the former may also be regarded as prophetic in view of the recent reforms in company law and tax law, not to mention patents law and restrictive practices. To take an example, Lord Wilberforce, when considering the problem of insider trading, said:

“Obviously this whole matter of insider trading calls for radical reform: instead of starting from legal concepts of corporate entity and fiduciary duty, we should base our legislation on the facts of business life—on the realities of take-overs, the actuality of undervalued or hidden assets, the interlocking of directorates, the multiplication of subsidiaries and associated companies, and see what techniques we need to deal with these: and we should of course not limit ourselves to directors—there are other company officials, journalists, issuing houses and brokers who are inevitably, by the nature of things as they are, put in a position to use information to their advantage, as Stock Exchange activity immediately before bids and other interesting developments only too convincingly proves.” (p. 84).

It is probably no exaggeration to say that the law on insider trading has been trying to catch up ever since.

As the addresses were directed at an audience of law students and their tutors, we can find advice aplenty for both. In Lord Radcliffe’s address, for instance, we find the following passage:

“... we look to the University Law Schools to see to it that the study of English Law does not decline into that excessive introspection which contemplates only its internal process. When you read Law then, try to read it side by side with other studies without which it is not fully understood—political philosophy, political economy, social and political history, perhaps, most of all, general history. For it will be brought home to you, I think, that while the forms in which the human dilemma presents itself are infinitely various and while these forms recur in a multitude of combinations that may encourage, fascinate interest or even appal, the dilemma itself seems always to be conditioned by the answer that you will choose to give the central question, what is the purpose and what the value of human personality?” (p. 159).

Megarry J.'s address "The Law Lecture" is excellent reading for law lecturers (especially those who suspect that their students are "bored and disinterested types"). For though Megarry J. "come to praise the law lecture, not to bury it", he warns that "of all the tools of teaching, the lecture is the most sensitive to incompetence." He adds, "[f]or the evils of a wretched lecture there is no palliative save unconsciousness or death."

There is, then, in these addresses a good number of ideas on various subjects which should be of interest to the law student or tutor. The addresses are spiced with wit and elegantly expressed. It is certainly worth reading whenever one has some spare time on one's hands.

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