

INTRODUCTION TO JURISPRUDENCE. By Dennis Lloyd. [1959, London. Stevens & Sons Ltd., 45 sh., pp. 482, incl. index.]

Professor Lloyd's first major work since he became Quain Professor of Jurisprudence at London University is unfortunately marred by a misleading title. The book does not deal with many subjects which are usually considered to be within the field of jurisprudence; and in vain will the reader look for discussions on corporate personality or rights and duties. The scope of the book is almost wholly limited to a discussion of the legal theories of the so-called 'schools' — and all the major ones are included — of jurisprudence. The 'odd chapter out' is concerned with the nature of the judicial process. It is difficult to justify the inclusion of this chapter particularly when other aspects of the law at work have been excluded. The only justification appears to be that Professor Lloyd himself seems to be an expert in this field — among the extracts in the book we have four from his other writings. Apart from this, the book ought to be considered as an introduction to legal theory.

Each chapter deals with a particular school. But the technique differs happily from other English textbooks of jurisprudence in providing the student with extracts from the actual writings of those whose ideas he is studying. We are spared the all too common effort of summaries at second-hand of a great number of writers. As Professor Lloyd readily admits, the book owes a great deal of inspiration to that popular American aid to learning, the book of readings. But there are differences and these are substantial enough to credit the author with attempting a novel approach. First, the extracts are fewer but longer than those in most American compilations. Second — and this is more important — each chapter is prefaced by a commentary which attempts to set out the background and trace the inter-connections between the different approaches, and to provide a critical appraisal of the viewpoints illustrated in the selected texts. This book is not primarily a source book; its declared aim is to introduce the student to the study of jurisprudence by means of appropriate commentaries.

Whether this book lives up to its claims is another matter. The selection of source material is always a matter of difficulty. The author's difficulty was all the greater because he has chosen wisely in the reviewer's opinion to restrict the number of authors in order that he could have longer extracts. Although the reviewer's choice would probably have included an extract from the writings of Karl Marx in the chapter on the "Marxist School" of law, one cannot point to the omission of any author whose inclusion would have been self-evident. Neither are there any glaring omissions in the choice of passages from the selected authors. Space has been given to the viewpoints of leading jurists of Western countries and there are quotations from American and English judgments. It is particularly gratifying to note that Professor Lloyd has not restricted himself purely to lawyers but has included extracts from other branches of learning — particularly philosophy. Even without the help of the commentary, the selection of these passages must convey to the student that his subject cannot be studied in a vacuum and that the relationship of jurisprudence to philosophy, anthropology, etc., is one of interdependence.

A little under four-fifths of the book is devoted to these extracts. The commentaries constitute the rest. It is therefore very surprising to find that not only the dust-jacket (which could be dismissed as a publisher's "puff") but also the preface claim that the commentaries have a comprehensiveness and completeness of their own. While it is perhaps true to assert that reference is made to all elementary points, it is no sense true to say that they are adequately discussed. To take a random example, the Hart-Fuller discussion on the internal moral structure of the legal order is dismissed with a sentence and a footnote (at p. 119). The brevity of the commentaries is all the more startling because the author states — in the preface — that the object is to set out the background and inter-connections between the different approaches

to jurisprudence. But five pages of comments in thickly-set type can hardly suffice as a full commentary to a chapter entitled "Marxist Theory of Law and Socialist Legality." The inevitable result is that certain developments receive scant attention. For instance the post-Stalin legal developments in the Soviet Union are evaluated in one paragraph or the authority of one commentator (at p. 283). The assertion that the commentaries are complete is misleading. And it leads to other errors. One would have expected an introductory work to include a list of further readings at the end of each chapter. Perhaps the assumption that the commentaries are sufficient in themselves has led to this omission. Its absence is all the more surprising because the author's purpose is to encourage the serious student, sufficiently stimulated by the extracts in the book, to "range beyond the covers of his chosen textbook." The achievement of this object would be facilitated by the addition of a list of further readings. It is hoped that this omission will be rectified in a subsequent edition.

Judged purely as introductory chapters, they are good examples of a combination of clarity and brevity. Although the author had to keep the book within the moderate proportions associated with the standard English student's textbook, it would have been preferable if the student had had the benefit of a longer and deeper discussion of the many points which the author admirably raises. And the introductions might have been used to indicate the lines along which we might look for a synthesis — which the author thinks necessary — between those who see law as a system of norms and those who see it as a form of social control.

To sum up, this book is worthy of the student's attention by virtue of the very novelty of its approach. But only later editions can show whether it satisfactorily answers the problems which the author himself raises and also achieves the laudable objects he has set before him.