book, and yet it could be used with advantage in any common law system. It will be a boon to any Australian teacher in the field of contract, and at the same time it could find a place on the shelves of any practitioner. Here the practitioner will find an outline of what the law of contract is concerned with, and a report of some case stating the law on any of the really practical problems which arise in the law of contract today. Needless to say, as one would expect in a work of this quality, there is quite a full and useful index set out in the back. This book is a significant contribution to the growing number of Australian legal works, and I highly recommend it.

HADDON STOREY*

An Introduction to Roman Law, by BARRY NICHOLAS (Oxford University Press, 1962), pp. i-xiv, 1-281. Australian price £2 6s. 6d.

This small but excellently-produced volume is a recent addition to the Clarendon Law Series—a series of general introductions to various fields or systems of law, designed for both the law student and the student of social sciences. Mr Nicholas tells us in his Preface that he has tried to give an account of Roman law which will make explicit its fundamental assumptions and distinctions, will criticize and evaluate the achievements of the Roman lawyers, and will point out the ways in which their work has survived up to the present day.

I think that Mr Nicholas has made a notable success in his self-chosen task. I must confess at once that my own knowledge of Roman law could properly be described as scanty, if not minute. Thus I cannot say whether, on any given matter, Mr Nicholas' views are completely accurate or require some qualification. But from the academic position which he holds, and the fact that Professor H. L. A. Hart, the general editor of the series, selected him for the task of writing this volume, the reader is entitled to assume—and I have no doubts at all on the matter—that, taken as a whole, the book gives an accurate outline of Roman law.

I am equally sure that there are many points at which the experts in this field would want to make qualifications to the author's views, and that there are some matters of detail on which they would violently disagree with him. But this seems to me to be quite irrelevant. Blackstone is not to be criticized because he omitted to state many refinements which can be found in Viner's Abridgement. So also with the possible criticism that the author has over-emphasized this point, or neglected that aspect. Doubtless, from the expert's point of view, Mr Nicholas has sinned in every one of these ways. Nevertheless, an outline has to remain an outline, and must not be allowed to became a detailed text. Apart from anything else, if it becomes too detailed it will inevitably tend to be dull reading; and to my mind, dullness is a conspicuous feature of much English writing on Roman law. Here again, Mr Nicholas has managed to keep his work in a form which makes it easy, almost racy, to read.

The only doubt which remained in my mind at the end of reading the book is whether the study of Roman law possesses all the value which the author claims for it. The doubt springs from two quite different sources. First, we are all acutely conscious that, with English law, what is written about as 'the common law' in the books is not by any means a true reflection of our legal system operating in practice as a going

* LL.B. (Melb.); Barrister-at-Law.

concern. The written rule is apt to take on a quite different aspect when applied in practice. I know of no reason to suppose that Roman law differed in this respect, and I suspect that it may have appeared, to the citizens who lived under it, in a quite different light from that in which it appears to us.

Secondly, Mr Nicholas, following nearly all other Romanists, leaves two fields severely alone—criminal law and administrative law. Certainly the Romans had a system of criminal law. And I cannot believe that an organization as vast as the Roman Empire contrived to exist without something akin to a system of administrative law. It would seem that we are told nothing of these matters mainly because in neither of them did the Roman lawyers make any significant contribution. If this be true, it surely casts much doubt on the claim to pre-eminence as legal thinkers so often made on behalf of the Romans. Surely it is of more importance that a legal system should deal satisfactorily with the maintenance of civil order, and the relations between the government and the governed, than that it should be able to resolve in a harmonious manner the disputes between two individuals over a yard of land or a cake of soap.

These doubts, however, are concerned with the value of Roman law studies. Our concern here is with Mr Nicholas' book and there need be no doubt as to its value. To every reader it will provide much food for thought. To many it will provide an inspiration to dig deeper.

P. BRETT*

Cambridge Studies in Criminology XVI: Offenders as Employees, by J. P. MARTIN, M.A., PH.D. (Macmillan & Co. Ltd, London, 1962), pp. i-xiv, 1-178. Australian price not stated.

Bankruptcy, infancy and sometimes marriage are status conditions with a fairly clear point of discharge. But when does a criminal cease to be a criminal? The question would not be important but for the *sequelae* of *unnecessary* incapacitating incidents which may attach to criminality. The Victoria public service carefully asks applicants about their criminal record; but should a government department set an example by taking a risk with a man for whom a job is the best preventive, or does the duty to conserve public funds come first, or again is it just a matter of balancing whether the expense should be borne by the employing department or a correction department?

This book is a welcome exploration of employers' policies and experiences with male criminals in Reading—a tantalizing progress report of a pilot survey, written apparently for the employers who had co-operated. A second report is to come; and this first part, its emphases not well drawn, cannot be judged as standing alone. The author has recorded his research techniques and a monumental questionnaire. A methodological pedant might wish that he had subjected his tables to a test of statistical significance, to see, for instance, if the distinction between large (20+) and small (2-19) employers was the most useful one.

In a more modest unpublished Melbourne study we found that a criminal record is usually a subordinate issue used to reinforce an impression otherwise gained that the applicant is unsuitable for the job, so it is gratifying to read:

> The ex-offenders who did best as employees were those who may well

* LL.B. (Lond.), LL.M. (W.A.), S.J.D. (Harvard); Barrister-at-Law; Hearn Professor of Law at the University of Melbourne.