a comparison is unreliable as a foundation for a tentative hypothesis and impossible as a foundation for any useful conclusions.

The following is an example of the inutility, without more analysis, of much of the information in this work. Having set out the differential success rates between adult and juvenile offenders placed on probation without a requirement of residence and adult and juvenile offenders placed on probation with a requirement of residence, the report continues:

> The trend is unmistakable: offenders who had to comply with conditions of residence reverted to crime more often than those whose probation orders contained no such requirements. And this tendency was observed in all groups: males and females, adults and juveniles, first offenders and recidivists. Among adults the differences in the rates of success between those who were and those who were not required to comply with conditions of residence amounted to no less than 17 per cent., and among the younger offenders to almost 12 per cent. . . . These figures may suggest that in many of the more difficult cases the reinforcement of probation by combining it with conditions of residence has not proved to be particularly effective. That conditions of residence may play a useful part in probation cannot be doubted, but it seems that, with respect to certain classes of offender, a more drastic mode of institutional treatment is needed.

The figures do not lead to the suggestions offered. It is likely that the courts placed residential requirements on offenders who seemed to need greater control, who seemed to the courts to be more likely to relapse into crime. In other words—the differential success rates here mean very little indeed once the role of the courts in selecting which offenders will be put on probation with, and which without, conditions of residence is taken into account.

Closely similar problems exist in medical research. The Medical Research Council in England, amongst other organisations, has demonstrated how the relative efficacy of various medical treatments may be assessed. There are, of course, many differences between medical treatment of the sick and penal treatment of criminals; but the methodological problems involved in testing the efficiency of these two "treatments" are very close.

It is proper to be severely critical of such publications as the one under review. The Cambridge Department has demonstrated its great skill in this area of social study and it is to this Department, above all others in the British Commonwealth, to which we must look to push forward the frontiers of knowledge in criminology and penology. Recently, a sum of £150,000 has been given by the Isaac Wolfson Foundation to the University of Cambridge to assist in the further development of that University's Department of Criminal Science. In the light of all this *The Results of Probation* is most disappointing.

NORVAL MORRIS.*

Aims and Methods of Legal Research, a conference held at the University of Michigan Law School, Ann Arbor, Michigan, 1957. x and 199 pp. ($4.50.)

When many of the great intellects of the American law schools were gathered together for a conference on the aims and methods of legal research, it was thought that their opinions should be preserved. Nevertheless, the result does not satisfy our justifiably high expectations.

The conference involved the presentation of a series of papers each of which was open to informal discussion. The topics chosen were imprecise to say the least—Social Significance in Legal Problems; Research For Legislation;

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Looking Out of the Cave; Manpower for Research; The Law and Some Aspects of Criminal Conduct; The Legal Scholar and The Criminal Law; and A Report on the Jury Project.

Perhaps the easiest way to approach these discussions is to tease out some themes which appear several times. The first is the relationship between the legal expert and the expert in some other field of knowledge. There are many reasons why the latter may be chary of joining in a programme of legal research. Professor Llewellyn reminds us[1] he is liable to be viewed with scepticism or disgust by his former colleagues. Professor Jones points out[2] that when research is translated into action the social scientist may be more vulnerable to, and is usually more nervous about, political criticism than his legal colleague.

No intelligent lawyer would deny the assistance that can be obtained from other fields of knowledge. The law does not operate in a vacuum. It is interested in the information about, and the critical predictions of, human behaviour furnished by the social scientists. Still, can any more be said than this—when we seek assistance from a learned expert we should ensure that he receives the recognition to which his learning and efforts entitle him.

Many of the speakers noted limits to the use of non-doctrinal learning. Often it is hard to obtain and unreliable. At best it is costly. At worst an ill-conceived and immoderate plan can brand legal research as the useless plaything of a lunatic. Professor Llewellyn cites[3] as "the absolute nadir of idiocy" an experiment by Moore at New Haven which tested the effect of changes in the official traffic regulations on the parking of cars. Others, including Judge Charles E. Clark and Professor Yntema, felt that the scientific legal research attempted at Johns Hopkins and Yale during the thirties had more value than Professor Llewellyn had admitted. However, Professor Llewellyn was concerned to emphasize that we should consider not only the intrinsic merit of the research but also the expense, because there will be other projects competing for finance, and the impact that the research will have on the lay observer because it is important that the legal system hold his respect.

Another danger was illustrated by the paper of Professor Sellin and one can only presume that courtesy prevented his legal colleagues from protesting as he proceeded to draw broad conclusions from the most incomplete data. For instance his conclusion[4] that "there is little or no relation between parole policies and crime rates" is based on a comparison of significantly different communities and his argument[5] that "the very best law enforcement" has no effect on the incidence of murder is based on a most inadequate sample. The conclusions may or may not be accurate but the data given does not provide an adequate basis for them. Of course we should not expect the social scientists to provide information as accurate as that provided by the physical scientists. Perhaps the import of criticism levelled by Professor Wechsler[6] at a report of a Michigan legislative committee—which recommended that the courts should have a discretion to impose sentences varying from one day to life imprisonment for all "sex" offences from exhibitionism and window peeping to the various assaults containing a sexual ingredient—is that legal scholarship should be sceptical of claims made on behalf of these new worlds of knowledge. When the law adopts their errors it does itself a disservice.

Another recurrent theme is the problem of manpower. Obviously different projects demand different talents and there seems no solution to the problem of finding the right man for the right job. Most of the speakers showed that they had developed a sufficient imagination and versatility to live with the problem.

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[1] Pp. 17-18.
[2] P. 46.
[3] P. 11.
[4] P. 124.
[5] P. 125.
[6] Pp. 132-133.

Only one person suggested a solution—Professor Yntema.[7] At first I felt inclined to treat his suggestions as idealistic nonsense but on further reflection I am inclined to delete the adjective.

His proposal embodies American education at its worst. His students will be required to obtain a superficial knowledge of Latin and two other languages, history, etc. Now consider what this will achieve. Study in depth will be impossible because of the range of topics required. Perhaps the period of study will be so prolonged that the greatest attribute of youth—sheer aggressiveness—is blunted. Certainly other fields of learning could be added with equal justification to the list which Professor Yntema supplies.

The answer to such problems lies not in the training preceding research but in the opportunities afforded the researcher to develop a deep knowledge of related fields while he is engaged in that research. In Australia there is a distinct shortage of funds to support significant research in legal problems. Perhaps with an expansion of teaching staff our law schools will be able to engage in more ambitious projects. Certainly opportunities to work at the National University and to supervise field research where this is necessary should be practical possibilities.

Perhaps the most saddening items in this book for an Australian reader are the reports of significant legal research outside the universities[8]—because this is a field which is dead in Australia apart from a few over-worked, unpaid law revision committees which patch some defects and copy some reforms from overseas. Their work is valuable but it is not enough.

It would be unfair to suggest that this book has no value. If you can read between the lines and sample experience vicariously then there is a rich store of learning to be gleaned from it. But as a comprehensive survey of the problems of legal research it is disappointing.

D. J. MACDOUGALL.*

Protection from Power under English Law, by Lord MacDermott, Lord Chief Justice of Northern Ireland. London, Stevens & Sons Ltd., 1958. vii and 196 pp. (£1/3/0 in Australia.)

This series of lectures, like those which have preceded it under the auspices of the Hamblyn Trust, was not primarily intended for an audience of lawyers. The intent of the founder of the Trust was that "the Common People of the United Kingdom" should realise "the privileges which in law and custom they enjoy in comparison with other European Peoples". The distinguished lecturers who have thus far delivered these annual lectures have succeeded, in the course of acquitting themselves of this task, in providing the material for a series of volumes which has also contained much to interest the lawyer and the student of the law. The present volume is no exception.

The idea of treating, in one small volume, such a diversity of the sources of power against whose exercise the individual is given, or may be in need of, protection, is a novel one. The lecturer deals first, under the heading of "The Power of Prosecution", with the discovery and punishment of crime as "functions which produce a dramatic preponderance of power on the part of the State". Under this head is contained an excellent short account of a subject on which comparatively little has been written, the office of the Attorney-General, which stresses in particular his complete independence of the Government of which he is a member. The conclusion of this chapter is that in the end "everything

[7] Pp. 74-78.

[8] For example the work of the New York Law Revision Committee (47-51) or the American Bar Foundation's study on the administration of criminal justice (144-45).

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