Paradoxes In Prison Sentences, by A. R. N. Cross, Oxford University Press, 1965. 26 pp. (60c. in Australia.)

When Rupert Cross took the B.C.L. examination some thirty years ago, he was asked if theft is committed by someone who, after lunching at a restaurant, removes the tip left by another customer for the waitress from under that customer's plate and places it under his own plate as a tip for the same waitress. In Australia in 1962 Professor Zelma Cowan asked him ironically whether they were still talking about the problem of the tip at Oxford. He was obliged to admit that it recurred regularly in moots, tutorials and examinations.

Recalling these incidents in his Inaugural Lecture as Vinerian Professor, Cross says categorically that "the study of the criminal law must be broadened so that argumentation about cases like that of the transferred tip shall become as obsolete as the controversy about the number of angels who could balance on the point of a pin". Certainly students will still have to learn the definition of theft. But their attention must also be drawn to such problems as what causes theft in an affluent society and how thieves should be dealt with when caught. If their teachers fail to interest them in these matters "they will be wholly failing to meet the challenge of contemporary legal developments".

It is one thing to enunciate precepts; quite another to put them into practice. Professor Cross, remarkably, does both. For he goes on to discuss the complex problem of sentencing with particular reference to the confused topic of the principles on which courts act in fixing prison sentences. As if this were not enough innovation, the discussion itself takes an unusual form. Instead of tracing the familiar academic arabesques, concrete examples such as that of the great train robbery are considered. In this way the irrelevance to actual cases of the customary conjuring act with abstractions like Retribution, Deterrence and Reform is demonstrated rather than merely declared.

Professor Cross betrays some uncertainty as to what inaugural lectures ought to be like. "I don't know whether (they) are meant to contain messages". His admirers will be pleased, if not greatly surprised, to find that he resolved the problem by ignoring it. Unburdened by any awful sense of occasion he speaks in his own voice. *Ad multos annos.*

GORDON HAWKINS*

Zur Stellung des Ausländischen Rechts im Französischen Internationalen Privatrecht, by Imre Zajtay, 1965. Walter de Gruyter, Berlin and Mohr-Siebeck, Tübingen. 219 pp. DM. 30.

The author of this work is Professor of Law at the University of Mainz and Maitre de Recherches at the Centre National de la Recherche Scientifique in Paris. The book deals with the position of foreign law in French private international law. It is a new and revised edition of a monograph first published in French in 1958. In this new edition Professor Zajtay discusses a number of issues not considered in the earlier edition, notably the application of foreign law *ex officio* and the revision by the Court of Cassation of the factual judicial interpretation (*tatrichterliche Auslegung*) of foreign law.

Professor Zajtay's main contention is that the treatment by the courts of foreign law as "fact" and not "law" is not a viable proposition. He examines the reasons why the French Supreme Court (Cour de Cassation) adopted the concept and why it still clings to it. He emphasises that since the problem of the position of foreign law in French private international law has not

*B.A. (Wales), Senior Lecturer in Criminology, University of Sydney.