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LAW AND SOCIAL CHANGE IN CONTEMPORARY BRITAIN. By V. Friedmann. London: Stevens and Sons Ltd., 1951

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cluding articles dealing with the respective enactments. The Geneva Office
will certainly add to the success of the following edition of the collection by
contributing all necessary bibliographical data, including case materials.

Asian Labour Laws is, even in its present form, a handy collection of
legislative documents and, therefore, a valuable contribution to comparative
labor law.

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LAW AND SOCIAL CHANGE IN CONTEMPORARY BRITAIN. By W. Friedmann.

Broadly speaking, and to the extent that these twelve essays knit to-
gether into a connected whole, the author has set himself the task of testing
the validity of a political thesis—that of Karl Renner, the Austrian Social
Democrat of the period following the First World War, and of considerable
Marxist inspiration—in the light of the evidence of social and political evo-
lution in Britain afforded by recent case law. He announces his intention
of carrying out this task specifically in relation to the modern English law
of property (treated in Chapter 2), but the ramifications of Renner's thesis
provide, it would appear, the underlying approach to the wider ramifications
of the law of property in the general framework of English law as it stands
today.

Now, much of modern case law in England is concerned with the inter-
pretation of statutes; "the growing importance of statutory legislation as an
instrument of legal and social change," as the author points out (p. 3
Introduction), was clearly seen by Dicey fifty years ago in measuring the
political potentialities of the legislative machinery established by the Lib-
eral State under the influence of Bentham and his followers. A glance
through the Table of Statutes to which Professor Friedmann refers in his
book shows that very nearly half of them (28 out of 61) date from 1945
or later, and the remainder are thinly represented in the years stretching
back from 1945; the main weight of the author's investigation is, in other
words, directed to the legislation passed in the six years of Labour Govern-
ment in Britain—a government avowedly holding views broadly similar to
those of Renner and confessedly setting out to create a political society in
conformity with them, using statutory legislation as one of its major instru-
ments so to do. Thus, it can not be a matter for surprise that at the present
juncture the general state of the law in England conforms with the prog-
nostic contained in Renner's thesis.

It is not, therefore, in that direction that the more positive value of
the book must be sought, but rather in the demonstration it affords, in
some degree unconsciously, of the virility and adaptability of English law
and of the political impartiality of the English judiciary—for if case law had
either lagged behind or outstripped social conditions that impartiality
would be in doubt. It follows that the author's comments on the Interpre-
tation of Statutes merit close attention. If, "as distinct from the history of
the United States Supreme Court, the cases in which British Courts have
used their judicial power deliberately to frustrate a social purpose are not
frequent" (p. 207), English judges are none the less in a "dilemma", the
author thinks, vacillating between three possible approaches to the interpre-
tation of statutes (the "pseudo-logical", the "social policy" and the "free
intuition" approaches (p. 239 et seq.). There is undoubted truth in this,
though the evidence of Professor Friedmann's own findings in other parts
of this book reveals that English judges have met with tolerable success in
resolving their dilemma. "In a free society, there is no master solution
which could resolve the judicial dilemma," the author himself states (p. 252).
Nevertheless, careful consideration is merited by his suggestion that: a dif-
ferentiation between various types of statutes should greatly assist an intel-
ligent and rational approach to statutory construction. The main categories
of statutes which ought to be distinguished for this purpose are:
firstly, constitutional statutes; secondly, statutes implementing a specific
social objective; thirdly, statutes carrying out specific legal reforms; fourthly,
acts implementing international conventions; fifthly, penal statutes; sixthly,
taxation statutes. This leaves a large proportion of predominantly technical
acts in the interpretation of which a judge must be guided by the same
principles as in the creative development of precedent. (p. 265).

In the realm of "The Planned State and the Rule of Law" (Chapter
13), where statutory interpretation is obviously of primary importance, the
present reviewer would agree entirely that "possibly the greatest of all
problems is the proper control of administrative discretion" (p. 308),
though he would be inclined to doubt that for the "much needed clarifica-
tion of the legal effect of statutory powers" (p. 184) the "social policy
approach" by itself is adequate; and this would appear to be the author's
recommendation, when he says:

Whether all specific statutory powers, conferred upon a public
authority, should be construed as overriding private rights or not,
should be made dependent not on the form of the power nor
governed by a presumption in favour of private rights, but by the
purpose and nature of the power. Where the urgency of the public
interest demands it, but not otherwise, it should be construed as
overriding private rights. (p. 184).

This surely goes as far as to put upon the judge the burden of deter-
mining what is the public interest, removing this determination as well
from the discretion of the Minister as from Parliament, and comes near to
begging the whole question lying at the root of the problem of administra-
tive law, namely the discrimination between the Minister's legal rights
and duties and his discretion, or, as previously quoted "the proper control of administrative discretion." It is not surprising, perhaps, that this trend of thought leads the author to conclude (in relation to such statutes as the National Insurance Act, 1946; the National Health Service Act 1946; the Education Act 1944 and the National Assistance Act 1948) that "in Acts of this type the presumption in favour of protection of private rights should be entirely and mercilessly scrapped" (p. 258). This reviewer would prefer any such outright scrapping to be done, where essential, by Parliament, by embodiment in necessary legislation, failing which there would still be scope for ministerial discretion, subject, one would hope, if its limits were overstepped, to challenge in the Courts. This, however, admittedly does not solve the "problem" of administrative law.

Apart from the valuable light which Professor Friedmann throws upon the growing awareness in Britain of the nature and importance of public law, with his constructive suggestions in regard to public law remedies (Chapter 10), it is in the realm of property law and the law of contract that, for the legal practitioner, his analysis is particularly illuminating. The legal philosopher or the political scientist would no doubt draw more profit from the book as a whole than the legal practitioner, though it is helpful for the latter to review the field of his activities in their wider social setting.

In fact, one has the feeling that when Professor Friedmann says: "The recent English edition of a continental classic on the social function of property (i.e. Renner's work) offers a welcome opportunity for the English lawyer to reflect on the meaning and function of property in English law and the impact of modern legal policies on the law of property," what he really has in mind is the function of property in English society and the impact of modern social policies on the law of property.

The moment in history when Britain has spent twelve years in war and its aftermath, twelve years, that is to say, as an unusually tightly welded society, concentrating its attentions on securing the maximum advantage from the expenditure of its shrinking resources in war and in rationalizing their internal distribution to the same end—as, perforce, for much of that time it was obliged to—is not perhaps the most opportune moment for a long term review of her social development. Other times may allow her to achieve loftier social purposes, though not more noble than in the war that has passed, and these will be reflected in her law. One may express the hope that a rounded survey from Professor Friedmann's mature pen may then be forthcoming. The present volume is "a preliminary and incomplete attempt to analyze problems which range over the whole field of jurisprudence" (p. 6). Many of these problems are undoubtedly to be with us for a long time and it is to be hoped that this valiant book will succeed "in
stimulating more thinking and research on the problems which it indicates” so that “it will have fulfilled its main purpose.”

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As the title suggests, this book is designed to meet the ever-widening needs of attorneys for a manual on accounting principles and procedures. Although the author holds an LL.B. and is a C.P.A., one might suspect that he has pursued a predominantly academic role—judging from the style of his writing.

The preparation of this book has met with the usual difficulty of books on accounting for laymen: that of confining within a single volume the material which represents much of the curriculum of an accountant. Judgment of the merits of Legal Accounting must be reserved since there are few other works with which comparisons can be made.

In his first chapter, the author presents an admirable definition of the role of accounting in business and law. A somewhat lengthy version is offered regarding the relationship of professional accountants and lawyers. The next three chapters on accounting principles and the expression of business transactions in terms of accounting also are helpfully defined.

When, in Chapter 5, however, the author begins to explain and illustrate specific transactions, there is reason to believe that he will probably leave his readers behind him in the detailed explanations and over-complicated graphic illustrations. The over-usage of arrows and footnotes may serve only to reassure the reader that accounting is a difficult subject. Since this phase of the book absorbs over half of its pages, serious doubts may be raised about the author’s service to a layman.

The book closes strongly, however, in the last two chapters which get to the product of accounting, namely, financial statements.

In the preface, Professor Shannon stated, “Terminology is introduced and styled to avoid misleading connotations.” This appears to have been a most unfortunate liberty since it is difficult to see what purpose can be served by expressing the same thoughts in special terms which, if adopted by lawyers, will serve only to widen the gap of misunderstanding with accountants as to the meaning of accounting language. It is the equivalent of trying to abandon the use of Latin in the law.

Another criticism of the book is offered by the superfluity of footnotes—there are over 575 of them in 327 pages. The footnotes bespeak the tre-