



IN PRINT

This month's books cover western legal traditions, franchising, the international law of the sea and Sir Frederick Darley.

Western Legal Traditions

Martin Vranken, *Western Legal Traditions: A Comparison of Civil Law and Common Law*, The Federation Press, 2015, pb \$99

Many lawyers and law students fall into the trap of judging a book by how many pages it contains and how heavy it is. The outcome is to focus on the verbose and awkward to carry books since they are considered the most authoritative. Martin Vranken in *Western Legal Traditions: A Comparison of Civil Law and Common Law* published by Federation Press shows that this approach is fundamentally misguided. Writing effectively and succinctly is a difficult task and Vranken achieves great success.

In the Preface, Vranken draws upon the dilemma about law itself, as both an art and also a science. Common law systems are reflected in the former and civil law systems are expressed in the latter. The book is structured in three parts. Part A considers the 'building blocks' and discusses the nature of comparative law as a process of legal research. It also distinguishes codification from precedent in the common law. Part B is focused upon "law in action" and takes a thematic approach. Topics include accidents, rescue, morality and industrial relations, court procedure and good faith in contract law. Part C examines common law and civil law from a European Union perspective. Consideration is also given to theories of convergence and divergence. The Charter of Fundamental

Rights of the European Union is contained in the appendix. Throughout the book extensive footnotes are provided and further readings are suggested.

This book is highly recommended for legal practitioners seeking to understand how two somewhat different legal systems operate. It is also of value for law students (both undergraduate and postgraduate) embarking upon the study of comparative law. The level of analysis contained in *Western Legal Traditions: A Comparison of Civil Law and Common Law* only comes about after many years of thought and reflection. Vranken is to be applauded for providing such an easy to read (and carry) book.

Dr Christopher Brien, senior lecturer, College of Law and Justice, Victoria University

Sir Frederick Darley

J M Bennett, *Sir Frederick Darley: Sixth Chief Justice of New South Wales*, The Federation Press, 2016, hb \$65

When William Stawell observed 40 hats on the Munster circuit and not enough work for 20, he decided to emigrate. The subject of J M Bennett's latest judicial biography was another "economic immigrant". Bennett has specialised in the topic of "Lives of the Australian Chief Justices", and this is the seventeenth in the series. He tells the extraordinary story about the process of appointing a Chief Justice of New South Wales in November 1886. Within the space of 12 days no less than five people were offered the position. One of those was Darley who initially rejected the offer but was later prevailed on to accept. Another was Julian Salomons, to whom Bennett devotes the largest chapter of this book.

Salomons had an acute sense of humour. When Billy Hughes told him that Sir Samuel Griffith had given him a copy of his translation of Dante's *Divine Comedy*, Salomons replied that he too had received a copy of the book. He had asked Griffith to inscribe his name on the fly leaf, with a line showing that he had given it to Salomons, "because, as I told him, I should not like anyone to think that I had borrowed the book, nor should I like anyone to think that I had bought it".

Darley became such a successful "economic immigrant" that he was reluctant to sacrifice his large earnings as a barrister for the salary of Chief Justice. (The book contains a cartoon from *Bulletin* showing Darley about to enter the court, carrying a huge bag labelled "Income 7000 pounds per year", being met by an attendant who warns him "If you go in there you'll have to leave at least half of that bundle behind".) But eventually, after several of his colleagues declined the offer, he was persuaded to accept. He was to prove just as reluctant to give up the office in the early twentieth century.

This book is a worthy addition to J M Bennett's extraordinary collection of judicial portraits. It reflects an unusual capacity for detailed research. ■

Graham Fricke, retired County Court judge