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Book Review: Learning the Law, Tenth Edition, by Glanville Williams; Introduction to the Study of Law, by S. M. Waddams

Allan C. Hutchinson

Osgoode Hall Law School of York University, ahutchinson@osgoode.yorku.ca

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Learning the Law. Tenth Edition. By GLANVILLE WILLIAMS.
London: Stevens & Sons. 1978. Pp. 209. (\$10.60)

Introduction to the Study of Law. By S.M. WADDAMS. Toronto.
Carswell Co. Ltd. 1979. Pp. 270. (\$7.95)

Many books aimed at the beginning law student come and go, but Professor Williams' slim volume has remained a creditable and constant feature of legal publishers' lists for over a quarter of a century. Distilled from over forty years of experience as a teacher

⁴⁰ [1974] 2 W.L.R. 593.

⁴¹ P. 11.

* L. C. Green, University Professor, University of Alberta, Edmonton.

and writer,¹ it provides the fresher with a treasure-trove of advice and wisdom which will stand him in good stead throughout his legal career. Of more immediate interest, it provides a discrete and eminently readable source of information and answers to all those nagging questions which the student does not feel sufficiently confident to ask for fear of being prematurely labelled a dull student. Being the tenth edition in thirty-three years, the law teacher can rest assured that in recommending this publication, the material has been selected and written by a proven master of his craft.

Yet, aside from this deserved praise, there lingers a feeling that if this book is to retain its pre-eminent position as a model of relevance and readability, it will have to try just that little bit harder to maintain the high standards it has set for itself. Although the author has been well advised to delete the short section on "Women" which struck an unduly dated note, the up-dating is largely restricted to a few footnotes and points of substantive law in the text. Basically, the alterations are of an entirely cosmetic nature. Based, as it is, on a very traditional process of legal education, there is a real danger, therefore, that, if some sensitive attempt is not made to amend its overall style and approach to meet and reflect the changing face and structure of modern legal education, its sterling qualities of universal appeal and reliability will be seriously undermined. Fortunately, these incipient signs of weakness are unlikely to have as serious consequences as might first be predicted for the potential readership for Professor Waddams has published a monograph that makes good any signs of out-datedness in Glanville Williams' book and stands as a genuine contender, certainly in Canadian terms, to Glanville Williams' previously unchallenged and leading position in the market.

Professor Waddams has put together a book that is thoroughly contemporary in scope and content. Writing in an uncluttered and incisive style that befits his chosen topic, he presents various foundational issues in a balanced and stimulating manner. Always at pains to illustrate and explain concepts, like judicial precedent, by reference to extracts from modern cases, he manages to be decisive without appearing partisan.²

Judicial reasoning is always result orientated Some law students are distressed to find that judicial reasons generally conceal conclusions. It seems perhaps that the judges are guilty of some kind of fraud. In my own view, result orientated reasoning is inevitable, and indeed desirable. Judges cannot become mere automata drawing in facts and dispensing inevitable conclusions. For the same reason they cannot be replaced by computers. The settlement of human

¹ See *Reshaping the Criminal Law: Essays in Honour of Glanville Williams* (1978).

² *Introduction to the Study of Law* (1979), pp. 107-108.

disputes is a human process, and it is fortunate that it cannot be automated. The fact that the reasoning of judges is open to critical analysis does not imply that their decisions are perverse or arbitrary. It is no easy task to explain a decision, as anyone knows who has tried to do it. Moreover, critical analysis of past decisions is as often a technique of arguing for future development of the law as a genuine assessment of the decision. Criticism of former decisions is essential to the flexibility of the common law.

Furthermore, his treatment of many fundamental, yet potentially volatile matters, such as the role of the judges and public policy, is carried out with confidence and delicacy.

In his introduction to Canadian legal education, he sketches its history and present structure so as to enable the reader to get a feel for the contextual framework in which lawyers are moulded and conditioned. Similarly, in his account of the modern legal profession, he draws a basic picture, while, at the same time, pinpointing those matters that are of a more topical and controversial concern. Also, Professor Waddams has exceeded his modest aim of writing for students beginning or seriously contemplating the study of law and offers sound advice in the chapter on "Analyzing Legal Problems" that bears repeating to those who have long since completed their education. With a sure touch, he takes the reader through the basic analytical skills and techniques that any good lawyer should possess in abundance. Finally, the book contains a number of useful appendices on common latin phrases, abbreviations and law reports.

The legal community has good reason to be grateful to Professors Williams and Waddams for finding the time and energy to publish their monographs. It provides further evidence that Glanville Williams and Stephen Waddams are not only great lawyers but also great men. It is only rarely that figures of their reputation and stature remain so sincerely mindful of the needs and wants of the young student and are willing to make an active contribution to easing and overcoming those harrowing first few months.³ Although both publications would repay the close attention of any fledgling law student, Professor Waddams' "little book" seems destined, by virtue of its contemporaneity and Canadian flavour, to take over as the recommended text for Canadian students.

ALLAN C. HUTCHINSON*

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³ Further evidence of such concern is found in the recent publication of Professor Williams' book on criminal law which is specifically aimed at and designed for the first-year law student; see *Textbook of Criminal Law* (1978).

* Allan C. Hutchinson, of Osgoode Hall Law School, York University, Toronto.