

# Book Review: Changing Legal Objectives, by R. St. J. Macdonald (ed)

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Book Review

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*Changing Legal Objectives*. EDITED BY R. ST. J. MACDONALD. TORONTO: UNIVERSITY OF TORONTO PRESS, 1963. Pp. 88. \$3.50.

This volume of less than a hundred pages contains four essays originally presented as lectures on the occasion of the formal opening of the new law building in the University of Toronto in the autumn of 1962, by Dean C. A. Wright, Q.C.; J. A. Corry, Principal of Queen's University; Lord Devlin, P.C., Lord of Appeal in Ordinary, London, England; and the Honourable J. C. McRuer, Chief Justice of the High Court of Ontario.

For those who attended the ceremonies in connection with the opening of the law building on the campus of the University of Toronto the book is a reminder of a pleasant and stimulating experience. For that larger audience who could not attend this volume attempts to share some of the intellectual fare that nourished the minds of those who saw and heard at first hand.

Each of the four contributors in dealing with different aspects of law for which they are well known, stress not only its strengths, but, the very necessary reforms that must be made if law is to continue to serve the needs of a rapidly growing and changing society.

Dean Wright of the University of Toronto Law School leads off with a characteristically succinct review of the history of legal education at his university, its place in the contemporary university and, with an awareness of the role of law in action sounds an urgent plea for the discovery of "ways to bring new strength to the social sciences and the humanities, in both of which fields . . . law must play a leading role."

Principal Corry in examining the separate though related functions of the judiciary, legislature and executive in a parliamentary system of government suggests that the courts would serve the ends of justice better if they could be equipped with better secretarial and research facilities; he advocates a greater use of the committee system by the House of Commons and a thorough overhaul of administrative boards and tribunals in terms of procedure and personnel.

Chief Justice McRuer's lecture could almost be termed a nutshell survey of the law of torts past and present with an imaginative and bold blueprint for its modernization and streamlining using as his case in point the compensation of motor vehicle accident victims. The Chief Justice points out that the present system is hopelessly overloaded and appears to be subjected to abuse and misuse with the judicial process being prostituted for other than judicial purposes.

The last essay by Lord Devlin leaves the reader wishing that, but for the physical limitations of the actors and participants on that memorable day in November, there was more to the volume. Lord

Devlin's analytical dissection of the M'Naghten Rule for the defense of insanity is handled with finesse and precision. He skillfully strips aside the encrustations of the years and lays bare the real purpose of the rule, which is to separate acquittal from an enlightened sentence. This timely and topical dissertation on a subject of contemporary concern to Canadians perplexed about the impact of new discoveries in the area of the behavioural sciences upon the law, and in particular, upon the question of capital punishment, helps to provide a useful foundation for an intelligent consideration of these issues.

For considerably less than five dollars this volume is deserving of a place in every lawyer's library and certainly merits reading by every law student and those concerned with the developing role of law in a dynamic society ever seeking to find contemporary applications of the Rule of Law in the ever changing conditions of modern life.

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