THE SOVEREIGNTY OF LAW: SELECTIONS FROM BLACKSTONE'S COMMENTARIES ON THE LAWS OF ENGLAND: Edited by Gareth Jones, University of Toronto Press. Pp. LV and 254. $15.00.

Blackstone's *Commentaries* is a book more often cited than read. There are many reasons why this should be so. Legal history, as a study, if it has not been entirely banished from the curricula of law schools, is at the best only an optional subject that few students find attractive or relevant. More lawyers are concerned with what the law ought to be in the future than with what it was in the past. The attitude of Blackstone, whose work is one long *encomium* of English law as it was in the middle of the eighteenth century, as these extracts indicate, is not one which meets with sympathy in the 1970's. Style in legal writing appears to be a vanishing art, as readers of modern legal journals will agree. In consequence, a book which was, and still is, a landmark in the development of jurisprudence and the scientific study of law, and had a tremendous influence, if not in England for which it was intended, then in the American colonies, and subsequently in the United States of America, which Mr. Jones makes clear in his excellent introduction to this book, has been neglected and, in some measure, forgotten. This is a great pity. Hopefully, the publication of this book, which contains some important, and illuminating extracts from Blackstone's great work, will stimulate a revival of interest in the entire book, and will encourage some to delve more deeply into it. Should they do so, they will not be unrewarded.

In the first place, the lawyer who looks only, or mainly toward, the future should be interested in how the past developed and how it was viewed by earlier generations. Perhaps he will learn how to criticise and when to do so. Perhaps he will also discover how what he purports to criticise came to be as it is. Secondly, despite the attacks of various critics, including, of course Jeremy Bentham, there is still in the pages of Blackstone much that can be accepted and used. From time to time a passage occurs which merits repetition even in these allegedly more enlightened days. For example, in the discussion of the king and his title (at 76) there is an excellent sentence on the subject of elections! And, possibly, the history of the United States would have been very different had the citizens of that country, when reading Blackstone, taken to heart what he had to say on the subject of slavery and why no such institution was acceptable in England (at 115-117). Moreover, while it may be that juridical theory is not attuned to Blackstone's views about the nature of law and the relations between positive or municipal law and the law of nature, there is much that can be gleaned by the student of jurisprudence from the discussion to be found in the second and third extracts printed in this book. Generally speaking, also, the clarity and forcefulness of the style of Blackstone are a lesson to every potential writer, at whatever level, who intends to say something about law. He is never dull; nor obscure; nor long-winded. If all teachers of law, in lectures or textbooks, could express themselves with similar or comparable ease and simplicity, students would find their studies much easier to absorb.

Mr. Jones has chosen to be unobtrusive as an editor. His chief influence has been in regard to the selection of passages. And in this regard he has attempted to include sections which are of general, perhaps more permanent interest, rather than those of a more specialised, and now maybe archaic or antiquarian character. He has added the occasional footnote to the text, apart from those of Blackstone himself, in order to elucidate an obscure reference or translate a tag which, while intelligible to Blackstone's audience, would be completely foreign to readers of today, having regard to the decline that has taken place, sad to relate, in the study both of Latin and of Roman law. Mr. Jones has also written an introduction which is at once an account of Blackstone's life, not, in itself either memorable or exciting, and a consideration of his work, his influence and

his relative merits and failings. In many ways, it is obvious, Blackstone was a naive and over-enthusiastic commentator upon English law as it was when he wrote. But, in these days when every legal author appears to have as his aim and purpose some hot attack or critique of the legal system or particular branch of law that he is discussing, it is perhaps not unpleasing to read one writer, antediluvian though he might be, who comes to praise his subject, not to bury it.

—G.H.L. FRIDMAN*

* Dean of the Faculty of Law, The University of Alberta, Edmonton.