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# BOOK REVIEW

*Julius Stone, A Study in Influence*

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**BOOK REVIEW**

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JULIUS STONE, A STUDY IN INFLUENCE**

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Professor Julius Stone taught generations of law students jurisprudence and public international law. Several observers have suggested that the greater willingness of the Mason High Court to question legal formalism was, in part at least, a legacy of Stone's more realistic instruction in legal doctrine. He analysed the way judges actually decided cases. Propounding his themes at the time of Sir Owen Dixon's 'strict and complete legalism', Stone was an important antidote to the linguistic, analytical approach to the judicial function.

To celebrate Stone's work, and to continue explorations of his theories, the Julius Stone Institute of Jurisprudence was established at Sydney University in 1999. This book grew out of a conference IN Sydne in 2007 that celebrated the centenary of Stone's birth. It collects sixteen essays divided into three, roughly equal, parts. The first comprises commentaries on Julius Stone's life and influence on the law. The second revisits his contributions to the worldwide sociological school of jurisprudence. The third explores Stone's insights upon international law. On this, he was both an early herald of the age of globalism that followed the establishment of the United Nations and a strong defender of Israel against its legal critics and adversaries in the global community.

The book opens with a short contribution by Murray Gleeson, one of Stone's students. He points out that the contest between realism and idealism in legal theory continues but in a professional context favourable to conformity and caution.

Two biographical essays follow, written by one of Stone's grandchildren, Adrienne Stone, Professor of Law at Melbourne University and Jonathan Stone, his son. The other chapters in this part of the book recount particular aspects of Stone's busy life as a scholar and as a public commentator on international law.

It is in the second part of the collection, on sociological jurisprudence, that the book gathers together splendid essays on particular aspects of realism in the law. One of the most intriguing of these is written by Michael Robertson, lecturer at Otago University. He declares that law is ambivalent: commonly trying to tell incompatible stories about itself. Reconciling the inconsistencies of the functional purpose of law in achieving stable government and the theories of law produces "an amazing achievement that should be celebrated". It is, Robertson declares, "no small thing to find ways to tell two incompatible stories [about law] plausibly". These are, essentially, the stories of predictability and logic that Dixon told. And the stories of creativity and realism that Stone told. As the chapters in this part of the book show, including those of Professors Reg Graycar (on gender and race) and Margaret Thornton (on free trade), law delivers both elements but with an inescapable element of ambivalence.

The third part of the book on international law is fascinating especially because it revisits, in a chapter by David Goldman of UNSW, world society as it stood before globalisation, as Stone was trying to conceive it at the height of his scholarly powers in the 1940s and 1950s. Dr. Ben Saul of Sydney Law School, in his concluding chapter, on Stone's approach to Palestine in international law, is far from hagiographic. He collects criticisms of Stone's writing on these topics, the critics claiming that Stone was partisan and lacked balance.

The sub-title of this book is "A Study in Influence". It clearly demonstrates the power of Julius Stone's mind, substantially as seen from within the Academy. What is now needed is a second conference and a further book. This should be written, with realistic candour, by judges and advocates who were the pupils of Stone. It should describe the parts creativity has played in the great decisions in the courts and legislatures of Australia in recent years. They could show the cases where formalism and linguistics triumphed and those where realism and a frank recognition of the available 'leeways for choice' produced new and juster outcomes. Scholars do influence society. But few as much as Julius Stone.

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