

What standard does Lady Wootton offer as a guide in passing sentence on an offender? (She objects to the term "criminal", contending that if this word is "to be used at all as a descriptive noun, its application should be confined to the professional, or at least to the habitual, offender who makes crime (presumably in the form of property offences) his normal mode of getting a living.")¹² Under a preventive system, she suggests "that the object of a sentence should be to take the minimum action which offers an adequate prospect of preventing future offences",¹³ and admits that this is a very imprecise formula. We still have far to go. The problem has no easy solution, but research and study, on a social level, not on a purely legal one, can surely lead to an approach to a more satisfactory solution than "the present amateurish, hit-and-miss methods."¹⁴

In this review, I have tried to suggest some of the stimulating views of a social scientist and a lay magistrate who has reflected for more than thirty years on the problems of crime and punishment. Her views have not gone unchallenged. She has held no *ex parte* brief; the other side has been heard. Winnipeg's recent visitor, Lord Devlin, has been among Lady Wootton's most consistent and constructive critics. Speaking, in 1962, at the official ceremonies which marked the opening of the new Law Building at the University of Toronto, he said:

The idea of punishment is giving way—and here I am not concerned solely with mental abnormality—to the idea of treatment. Now, I do not at all subscribe to the views of those people who hold that there really are not any sins and crimes at all, but only treatable conditions, and that what should be done with anyone who is found guilty of what lawyers in their reactionary way call criminal offences is merely to send them for treatment.¹⁵

ROY ST. GEORGE STUBBS*

THE LAW GUARDIAN

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Despite a plethora of law journals and reviews, the lines of communication between various parts of the legal world are appallingly inadequate. Apart from matters which either merit newspaper headlines or find their way into the law reports, it is very difficult for a Manitoba lawyer to learn about legally significant developments in Nova Scotia, to say nothing of

12. p. 15.

13. p. 95.

14. p. 107.

15. *Changing Legal Objectives* (1963), p. 75.

*Of the firm of Stubbs, Stubbs and Stubbs, Winnipeg, Man.

Massachusetts or Germany. Such matters are too specialized to interest the general news media. There are rare exceptions, such as *Time's* "Law" section, but these are necessarily restricted in scope. Most law journals concern themselves chiefly with scholarly writing, and few are published frequently enough to provide adequate news coverage. Even the more newsy types of journal, such as *Chitty's Law Journal* and *The Canadian Bar Journal*, staffed by amateurs, without access to news gathering services, and often lacking independence because of their "official" status, are unable to do a proper job. If someone would publish a magazine of the calibre of some of the better political or literary magazines (*The Reporter*, for example), which would focus the skills of professional journalism on matters of interest to the legal profession, they would place themselves in the debt of lawyers everywhere.

In physical appearance, the *Law Guardian*, which began monthly publication in England last February, closely resembles this type of magazine: artistic covers, tasteful typography, clever line drawings, advertisements like those in the *New Yorker*, and so on. Unfortunately, the resemblance is superficial only. In substance, the *Law Guardian* differs little from the more familiar type of "newsy" law journal.

In its first five issues the *Law Guardian* certainly contains a sufficient variety of material to arouse some interest in almost any lawyer, but the quality is not generally very high. Its commentaries are generally shallow, and its news coverage (what there is of it) is either of the "official announcement" or the "social page" variety. One issue contains, believe it or not, an article about carbon paper. In the same issue there is an article (2½ pages in length, with four illustrative photographs) which concerns itself with proving the thesis that "office efficiency demands—sufficient and suitable lighting". Another issue contains a profile of Lord Parker of Waddington, in which we encounter Lord Parker applying fifteen coats of paint to two concrete balls to be placed on pillars in his garden (the paint is "to prevent the rain from destroying the concrete", we are told) and learn that "for such jobs he wears an ancient paint-spattered suit, his relaxing suit."

The *Law Guardian* has done little so far to bridge the communications gap referred to above.

To end on a positive note, it should be said that the quality of the *Law Guardian* appears to be improving gradually with each issue, and that its features include a legal crossword puzzle, and a column entitled, "Leisure and Pleasure" containing tidbits about wine, cheese, rare books, art, etc., that will gladden the hearts of most dilettantes.

R. D. GIBSON*

*Associate Professor, Manitoba Law School.