

judges' ability to rationalize political preferences, his work is an important step on the road to a total account of the Judicial Committee's construction of the Canadian constitution.

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INTERNATIONAL CIVIL PROCEDURE. By István Szászy. 1967. Leiden: Sijthoff. Pp. xi and 708. Dfl. 58.50.

The growth of the European Community and the impact of British Membership in it upon English law and procedure, together with the increase in the number of new States since 1947 has drawn attention to the need for increasing study of comparative law. Usually, such comparative studies are confined to western oriented writers and to liberal European legal systems, or those of the new States which still base their law upon the common or civil law. Professor Szászy's study of *International Civil Procedure* breaks entirely new ground from this point of view. The learned author is an Associate of the Hungarian Academy of Sciences and of the Institut de Droit International, as well as a member of the British Institute of International and Comparative Law and his study deals with both western and eastern—in the political sense of the term—approaches to law. Instead of the condemnation of western doctrine which one frequently finds in the writings of Marxist lawyers, this volume has more citations of Battifol, Cheshire, Morelli, Nussbaum, Wolff and Yntema than it does of Lenin and Marx. It is equally pleasant to find an east European lawyer writing in easy English on his own system instead of being presented with a commentary which, except in the case of John Hazard or Albert Kiralfy, is usually the result of second-hand interpretation of somebody else's translation.

It is interesting to discover that, as in western countries, so in socialist societies, lawyers differ in their approach to comparative law and its value, but the author feels that in the realm of conflict of laws there can be no question as to the basic value of the comparative approach. It is submitted, however, that only slight alteration of the words used will reduce what Professor Szászy believes to be a fundamental difference in the approach adopted by Marxist lawyers to such studies. It is undoubted that different principles prevail in respect of the application of the comparative method in socialist jurisprudence on the one hand, and in western legal science on the other. In socialist legal science the Marxist method of comparison, which is based on the tenets of dialectical materialism, is applied. The socialist method of comparative law does not rest content merely with juxtaposing various legal institutions, legal problems, statutes in force in various countries, or with simply listing their similar or different features; it strives to discover the social, historical, economic and ideological grounds of similarities and differences; it points out the class content of legal institutions and the differing functions thereof which are discovered even under similar or identical characteristics.

*International Civil Procedure* is not only a careful analysis of pro-

cedural rules in the narrow sense of conflict of laws. It also deals with problems of jurisdiction, recognition of the legal effects of foreign procedural rules, including litispence, international arbitration, legal assistance and the extension of jurisdiction to foreign territory.

Perhaps the greatest attraction of the work lies not in its actual content, but in its symbolism. Dare we hope that this is the first of a series of studies which will enable the western lawyer to examine the legal system of the Communist states and perhaps to ascertain that in many ways, certainly in adjective as distinct from substantive law, the legal iron curtain is more penetrable than the political one. If ever there is to be some measure of co-operation between east and west it is essential that there be some depth of trust and understanding of method and rule. It is works like this which will contribute to such an understanding and we can but hope that Messrs. Sijthoff intend *International Civil Procedure* to be merely the first of a series of truly comparative studies which cross the ideological border. Perhaps, too, they will assist in making comparative law a more attractive subject of study in law schools, and will encourage lawyers to be prepared to look outside of their own background and its blinkers.

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**LAW RELATING TO NUCLEAR ENERGY.** By Street and Frame. 1966. London: Butterworth & Co. (Canada) Ltd. Pp. xviii and 320. (\$27.50).

The operation of nuclear installations involves considerable risk and the authors are concerned with the legal redress available to a person or a state injured when this risk materializes. A potential plaintiff may discover that he has insurmountable obstacles in proving a case in one of the recognized forms of tort liability, and this fact may tend to indicate that existing remedies are insufficient.

The first two chapters are primarily concerned with British administrative law, since they deal with the statutory machinery as it now exists in the United Kingdom. Chapters Three and Four deal with the civil liability of the operators of nuclear installations. Much of the common law liability for the escape of ionising radiations has become unimportant in Britain. The reason is that liability has been placed on the operator of a nuclear installation by virtue of the Nuclear Installations (Licensing and Insurance) Act, 1959. The most important question which remains is the scope of the duty in an action for breach of statutory duty. The Nuclear Installations Act, 1965 replaced the previous Act and extended the liability of the operator of a site to all damage caused by "nuclear matter" even though such damage does not result from its radioactive properties only.

International lawyers will be interested in the deviations of the United Kingdom statutes from the Paris Convention and the other Conventions dealing with the civil redress which the subscribing nations should afford to victims of nuclear occurrences. The authors explain the reasons for the departures from the various Conventions and the conflicts prob-