

the Arctic. The author gives a useful summary of the effects of oil pollution upon life in the oceans and above it. Interesting descriptions of the water masses, pack ice, ice shelves and ice islands are included.

There is a surprising omission. A book intending to present a balanced account of the law of the seas ought, perhaps, to include treatment of the legal status of scientific research. There is a growing feeling that coastal states should have the right to participate in research conducted in areas adjacent to their coasts by foreign states, and must have access to data and samples collected. The question has an obvious relevance in the Arctic.

The author is to be congratulated upon the excellent arrangement of his subject matter. A wealth of material has been presented in a clear and logical manner. Maps and charts have been included for the assistance of the reader. Useful summaries are given at the end of each chapter, with an overall summary of the author's views in the concluding chapter. The book contains a general bibliography as well as a separate bibliography for each of the seven questions examined. Additional references to further materials are contained in the footnotes. There are four separate indexes.

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FUNDAMENTAL GUARANTEES OF THE PARTIES IN CIVIL LITIGATION. Mauro Capelletti and Denis Tallon (eds.). Milan: Giuffrè; Dobbs Ferry: Oceana. 1973. Pp. xxii and 821.

This volume is the proceedings of the Annual Conference of the International Association of Legal Science held in 1971 in Florence under the auspices of the Italian National Committee of the I.A.L.S. and the Florence Institute of Comparative Law. The particular topic chosen for discussion—the fundamental guarantees of the litigants in civil proceedings—is one of the most important aspects of civil procedure. It had never, before this Conference, been the subject of a discussion on a World-wide comparative level.

It consists of papers, some of which are in English and others in French, on the subject of procedural rights of parties to civil litigations in various modern legal systems, together with the summary of the papers and a resume of the discussions held at the Conference itself. Among the legal systems of the civil law traditions, it includes the legal systems of Austria, Denmark, France, Germany, Italy, Japan and Senegal; among those in the common law tradition, Canada, England and the United States of America; and among those in the Socialist tradition, the Soviet Union. Two papers on Latin America and one on the East European People's Democracies have been included in this volume. In addition, there is also a paper on the procedural rights of private parties as formulated in the European Conventions on the Protection of Human Rights and Fundamental Freedoms.

Professor Capelletti has outlined the theme of the Conference in a preface, and it is followed by a lengthy general report, providing an overview of the principal and most typical problems and solutions

brought to light by the National reports, the oral discussions and further research. It limited itself to examination of a few of the more significant aspects of procedural guarantees which turn on the parties' rights to (a) "judicial" protection, (b) "effective" access to such protection, and (c) "fair" judicial treatment of their cases. He remarks:

A growing number of nations have given constitutional status to some procedural guarantees of civil litigants. This trend, a typical aspect of what has been called "modern constitutionalism", might be exemplified by both the "due process" clause in the oldest of the modern constitutions, that of the United States, and by the guarantee of "publicity" of judicial proceedings in the Constitution of the Soviet Union and the People's Democracies (see, e.g. Art. III of the U.S.S.R. Constitution).

The National Reporters emphasize those guarantees which they have under the constitution of their respective countries or group of countries. In this respect, an analysis of the decisions of the Commission and the Court of the European Convention was found useful for discussion.

Several papers deal with those guarantees which secure a fair hearing to the parties, and in particular, on the right to be heard, the right to counsel, and legal aid. It is not the Conference's task to discuss the judiciary *per se* (selection, tenure, promotion, removal, organization, etc.), but only—if at all—incidentally from the point of view of the constitutional or fundamental rights of the civil litigant to an effective hearing. It is also interesting to note that many of those papers deal with problems of the production of evidence—specifically, the compulsory disclosure of an adversary's evidence and the limitations imposed by concepts of testimonial privilege—and with the problem of delay in disposition of cases. These aspects of procedural law are significant contributions to the study of Comparative Law. Professor Cappelletti in his report remarks that one of the characteristics of the present time is growing discontent with the administration of justice, civil as well as criminal. He closes his paper by reaffirming the conviction that the only way to overcome the people's feeling of alienation from "official" justice, is to implement a more accessible, human and equitable justice by effectuating in the national and international judicial systems those new values that appear to present-day minds as "fundamentals".

The papers on the whole are highly technical in the legal sense and it has to be read with care in order to absorb the many thought-provoking ideas which are contained in this volume. It will undoubtedly be of great value to comparative lawyers.

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