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BOOK NOTES

LAW, POLITICS AND THE JUDICIAL PROCESS IN CANADA. Edited by F.L. Morton. The University of Calgary Press, 1984. Pp. 348.

This book makes an important attempt to put together a pertinent and indigenous collection of materials on the Canadian judicial process. As a political scientist, the author tries to chart the controversial territory on the boundaries of law and politics. His study strives to be less legalistic in its scope and more critical in ambition than earlier publications. The writings of Peter Russell and Paul Weiler play an expectedly substantial role. Also, a central focus is the impact of the *Charter of Rights* on prevailing constitutional arrangements and judicial attitudes. The book amounts to a useful and comfortable introduction to Canadian jurisprudence and scholarship.

LAW, SCIENCE AND MEDICINE. By Judith Areen, Patricia A. King, Steven Goldberg and Alexander Morgan Capron. University Casebook Series, 1984. Pp. 1494.

One of the greatest challenges facing society is the urgent need to harness the power of technology and to curb its detrimental effects. The legal process has an important contribution to make in this crucial process. Yet, many lawyers remain ignorant of modern technology and lack the necessary sophistication to play an adequate role in formulating and enforcing appropriate responses. Although this book is designed for use as a teaching tool, it represents a superb primer on law and technology. Focusing on genetic engineering and nuclear energy, the authors explore the nature, development and control of these techniques and employ a variety of perspectives, from scientific through political to philosophical. It is a stimulating book that deserves to be read by the legal community.

LIABILITY IN NEGLIGENCE. By J.C. Smith. Carswell Legal Publications, 1984. Pp. 273.

Building on his many, earlier writings, Professor Smith attempts to articulate a coherent theory of negligence liability. A survey of existing doctrine leads Smith to propose a revised "foreseeability" test as the fulcrum of liability: "damage is not too remote when it is either foreseeable in the particular, or falls within a foreseeable class of possi-

ble damages . . . although any particular event falling within the class may not satisfy that condition” (at 138). Smith claims that this test accurately accounts for ninety percent of all decided cases. For many, the introduction of such a quasi-scientific test will be deeply troubling, but it will at least serve to focus debate and engage the attention of tort lawyers. Professor Smith has produced a controversial and timely monograph.

DIALECTIC OF NIHILISM: POST-STRUCTURALISM AND THE LAW. By Gillian Rose. Basil Blackwell, Inc., 1984. Pp. 232.

This dense philosophical monograph makes a powerful assault upon the self-proclaimed “radical” metaphysics of post-structuralism. The author’s task is to demonstrate how the writings of Gilles Deleuze, Claude Levi-Strauss, Jacques Derrida and Michel Foucault can be read to reaffirm, rather than undermine, the traditional metaphysics à la Kant. For Rose, the choice between post-structuralist nihilism and Hegelian dialectic is false and misleading. Despite the title, this book is strictly for the initiated; it does not include the more conventional jurisprudential offerings of modern scholars — for example, the *Critical Legal Scholars* — who seek to apply the post-structural insights to the doctrinal product of the legal process.