

Book Review: Current Law and Social Problems, Vols. I and II, by R. St. J. Macdonald (ed.)

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Book Review

CURRENT LAW AND SOCIAL PROBLEMS. VOLS. I AND II. EDITED BY R. ST. J. MACDONALD. TORONTO: THE UNIVERSITY OF TORONTO PRESS FOR THE UNIVERSITY OF WESTERN ONTARIO FACULTY OF LAW (1960 and 1961). VOL. I: pp. 204, \$5.50; VOL. II: pp. 261, \$6.50.

These volumes contain collections of essays dealing, for the most part, with topical matters from a legal aspect. They are good essays, and good work never needs to justify its publication. One may be pardoned for wondering, however, just what brings these essays together, here, now, between these fancy hard covers. One is reminded of the example afforded by the University of London, where certain lectures given during the preceding year by members of the faculty are thus annually preserved, under the title "Current Legal Problems". Or of the Scandinavian law faculties, who band together to produce "Scandinavian Studies in Law" reflecting, in English, the concerns and the approach to legal problems current in that region. The essays in "Current Law and Social Problems", however, reveal no particular local, or even national, concern. From the title, one would infer an admiration for "Law and Contemporary Problems", a quarterly publication of the law faculty of Duke University, each issue of which is devoted to a single topic, with contributions from several related disciplines and fields of endeavour. Indeed, the introduction to "Current Law and Social Problems" tells us that the object of the series is "to promote collaboration between lawyers, social scientists, juristic philosophers and others who are interested in exploring social values, processes and institutions". No advance toward this noble object is made in the first two volumes of "Current Law and Social Problems".

Many of the articles are indeed addressed to "philosophical" or "social" questions; Volume I begins with Mr. Plamenatz' "In What Sense is Freedom a Western Idea?", but it bears no relation to the rest of the volume. So too, Professor MacGuigan's study (volume II) of the relation between positive and moral law in St. Thomas bears no immediate relation to what one somehow expects in the light of the introduction.

It is to be regretted that no pattern of concern with Canadian problems can be discerned, although Volume I built up our hopes in this regard. Professor Macdonald's own valuable survey, "Narcotic Drug Addiction in Canada" (continued in Volume II in order to deal with the Narcotic Control Act) is surely the sort of article the series should be devoted to; and the same can be said of Professor Johnston's McDougal-inspired "policy oriented" investigation of the International Law of Fisheries, Sterling and McLeod's "International Copyright Control: A Canadian Viewpoint", and Professor Palmer's "Remedial Authority of Labour Arbitrators". In this company, Mr. Wang's "Residence of Companies in the British Income Tax Acts" seems, again, somehow out of place.

In Volume II, in addition to the works of Professor Macdonald and Professor MacGuigan already mentioned, there is more "juristic philosophy" in a brief excerpt ("The Quest for Impartiality in Legal System"), from a forthcoming study on "Comparative Concepts of Impartiality" by Professor Franck, and a substantial study of "Mental Incapacity in Criminal Law" by Professor Silving of the University of Puerto Rico. For the rest, perhaps we can discern again an interest in "international" legal problems: Schmitthoff's "International Business law: A New Law Merchant"; Fitzgerald's "Development of International Liability Rules Governing Air Collisions", and Fatouros' "Obstacles to Private Foreign Investment in Underdeveloped Countries" being topical, if scattered, offerings. What we have is a collection, not a selection.

"Current Law and Social Problems" is not yet "a meeting ground—to foster understanding between law and related disciplines". The announcement that Volume III is to be devoted to "legal and social problems pertaining to organized labour in Canada" is most encouraging.

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