legislators, senior police officials, prosecutors, judges, and others concerned with the practical task of dealing with criminal behaviour. To all such persons I warmly commend the book. It does not seek to provide answers; but it is a valuable source of materials which cannot fail to direct their attention to many problems of which they may not hitherto have been consciously aware.

PETER BRETT*

BOOKS NOTED

Government Guarantees to Foreign Investors, by A. A. FATOUROS (Columbia University Press, New York, 1962), pp. i-xxvi, 1-411. Australian price £6 12s.

This book which grew out of the author's doctoral thesis at Columbia University's Law School is the first comprehensive study of this important field of international economic law. Its sudden growth was due to the great effort by Western nations to assist the world's underdeveloped countries towards independence. The question it raises is whether and how to protect the individual or corporate investor against the political risks of such an investment. In the U.S.A. the problem was faced first. There the Marshall Plan and the 'Point Four' programme were the beginning of a great scheme of international economic assistance. As the author shows, the assistance to really underdeveloped countries began to increase rapidly only after 1957. Since then, it has become dominant in the field of foreign aid.

In practice guarantees by the capital-exporting state are of the greatest importance, not only in the U.S.A., but also in Japan, Germany and other highly industrialized countries. As the author shows, the search for an international investment code has so far been in vain. Guarantees by the capital-importing state may be by bilateral or multilateral treaty, by constitutional provision, or by separate agreement with the individual investor. The author investigates the legal significance of these various forms of guarantee. By limiting his study to government guarantees, the author restricts his coverage of export guarantees quite considerably. There are many countries which offer export insurance on a private, or semi-governmental basis. The Australian system operated by the Exports Payments Insurance Corporation which would fall into the latter category is thus outside the range of the book.

Within the limited area covered, the author deals with the place of foreign investment in the assisted country's economy, the form and content of state guarantees, and the legal effect of such guarantees. He shows the gradual washing away of what were once generally recognized rules of customary international law regarding the protection of foreign investments. Whether the use of the term 'transnational law'—as first framed by Judge Jessup—as the proper law applying to contractual relations between a state and foreign individuals assists in spelling out such law remains doubtful. The reviewer agrees with the suggestion (page 295) that 'extensive comparative research and study are needed in order to clarify the still vague content of most general principles': those general principles which are to apply to such transnational relations.

In a second edition the insertion of the words 'Absence of' before 'Denial of Justice' (on page 280) would correct one of the few printing mistakes. Generally both the printing and the general presentation of

* LL.B. (Lond.), LL.M. (W.A.), S.J.D. (Harvard); Barrister-at-Law; Hearn Professor of Law, University of Melbourne.

the material are of high quality. A more complete Table of Cases would, in the reviewer's opinion, assist in the use of the book.

The Place of Negligence in the Law of Torts, by ABRAHAM HARARI, M. Jur. (Hebrew University) (The Law Book Company of Australasia Pty Ltd, Sydney, 1962), pp. i-xv, 1-194. Price £2 10s.

Any person interested in this major part of the law of torts will find that this work presents engaging argument against some of the traditional methods of classification and discussion of the law of negligence. Although he may not agree with the conclusions, the reader will have adequate supply of points to ponder on. Mr Harari has presented his point of view in clear and cogent language, which makes this academic treatise one which the common law practitioner might well read as an exercise, since it is sufficiently short to not take too much time, yet includes in its brief two hundred pages many thought-provoking propositions. It is, however, as a work for students of the law of torts that this book will make its deepest mark. For it provides another analysis of the concept of negligence and its place in the law. It is rather a book of learning on the law of negligence than a book which will be of use to the practising tort lawyer.

An Introduction to Civil Law, by K. W. RYAN, B.A., LL.B. (Q'ld), PH.D. (Cantab.) (The Law Book Company of Australasia Pty Ltd, Sydney 1963), pp. i-xiv, 1-193. Price £2 18s.

At a time when the study of law tends to become specialized to the point of being solely detailed study of detailed case or statute law, it is refreshing to find published a work which aims to give the student of the common law a general picture of the modern civil law as it applies in France and Germany. After tracing the development of the civil law from Roman law, this book examines simply and concisely the basic institutions of contract, tort, property and succession, family relations, as well as an explanation of the ability of the civil law to dispense with a law of trusts. The work is developed from lectures given in the Comparative Law course in the University of Queensland, and is intended to provide a background understanding of the civil law system as a whole. Though a student would find the discussion of the concept of '*causa*' in French contractual law insufficient for detailed examination, he will find that this work places him in a position more suited for further study of the concept. So too will be the other topics touched on by Dr Ryan. The introductory nature of the work is illustrated in the methods of the author. He examines in conjunction the common and civil law treatment of the same problems. The student of comparative laws will find this book an adequate introduction to his study. More important is the fact that the author has placed in a position of easy accessibility a means for elementary comparison of the solution of questions of private law by the common and by the civil law.

Such a study can do nothing but provoke a critical understanding of our legal system and perhaps provide, from the civil law experience, suggestions for its improvement.

Trade Unionism in Australia—Some Aspects, by ORWELL DE R. FOENANDER, LL.M., LITT.D. (The Law Book Company of Australasia Pty Ltd, Sydney, 1962), pp. i-xx, 1-215. Price £3 3s.

It is doubtful that Dr Foenander's latest work can be placed in the

category of an exposition of the structure and position of trade unions registered under the Commonwealth Conciliation and Arbitration Act 1904-1961. More probably this work will find its place as a study of the co-ordinate rights and privileges, duties and obligations that affect such registered trade unions. After outlining the general growth of the Australian trade movements, the author considers the provisions of the Commonwealth industrial law in so far as it affects trade unions, and concludes with what is best described as a sociological discussion of the trade union movement and of its attitudes and force in the community. As a general work, the student of industrial law will find the work helpful, although inadequate for detailed discussion of some points, for example, the right of a trade union to impose compulsory political levies on its members.

An Introduction to Evidence, by G. D. NOKES, LL.D., 3rd ed. (Sweet & Maxwell, London, 1962), pp. i-xlii, 1-527. Australian price £4 1s.

Dr Nokes' third edition follows at an interval of six years its predecessor. The student of evidence will recognize this edition as continuing the aim of the author to expound succinct principle with the minimum of bare discussion—though some discussion is required, of course, on the topic of burden of proof, for instance. (That topic has been extensively discussed.) The intelligent use of both case and fictional examples renders the book more helpful to the beginner to the intricacies of the law of evidence, and renders intelligible principles subsumed in, for example, the rule relating to hearsay.

One may give the usual warning to the Victorian reader to remember the part played in Victorian law by section 399 of the Crimes Act 1958, and other such exceptional provisions.

Cases on Torts, by W. L. MORISON, B.A., LL.B. (Syd.), D.PHIL. (Oxon.), NORVAL MORRIS, LL.B. (Melb.), LL.M. (Melb. and Adelaide), PH.D. (Lond.), and ROBIN L. SHARWOOD, B.A., LL.B. (Hons) (Melb.), LL.M. (California) (Law Book Company of Australasia Pty Ltd, Sydney, 1962), pp. i-xxiii, 1-960. Price £5 15s.

This book is intended to supersede W. L. Morison, *Cases on Torts.* As the authors tell us there are certain aspects of the law of torts which have been omitted. The law of intimidation and conspiracy and the tortious liability of the Crown, of public authority and of corporations are not included in the book. These omissions are, perhaps, not critical. As the authors recognize, however, a more contentious omission is the absence of cases on defamation. It is a pity that defamation has not been covered. But it is easy to see the difficulties that beset the authors and to sympathize with their decision. The book attempts to present a Commonwealth-wide 'Australian' law of torts. There are very considerable differences between the law of defamation in the various Australian jurisdictions and to present an Australian study of the law of defamation would have required a very large collection of statutes and cases. This would have frustrated the authors' concern to keep the book to a manageable size, a policy which has also led the authors to include little text-matter, few references to text books and articles, and no extracts from State statutes.

The book is a combined effort, the product of three well-known tort teachers, each from a different University. It is a work which will no doubt prove of great value to the tort teacher in Australia, and perhaps also in other jurisdictions.