

CURRENT LAW AND SOCIAL PROBLEMS, Vol. III. Edited by E. E. Palmer.
[Toronto: University of Toronto Press. 1963. vii + 237 pp.]

The third volume of the University of Western Ontario's *Current Law and Social Problems* is the first to appear under the new editor. Although Professor Palmer declares that it is his intention to maintain the objectives stated by Professor Macdonald — 'The primary object of this series is to promote collaboration between lawyers, social scientists, juristic philosophers, and others who are interested in exploring social values, processes, and institutions' — this volume is devoted almost entirely to labour law, and it is the intention in future to confine articles as nearly as possible to a single theme. It is to be hoped that the contribution to the sociological approach to law promised by the first editor, and believed in by his successor, does not become of secondary significance.

The only contribution in the present volume which is not concerned with labour law is that by Dr. Johnston on international fishery law. This is the second part of a shortened version of his Yale doctoral version, the first portion of which appeared in Vol. I. The subtitle of the paper — 'A Policy-Oriented Inquiry in Outline' — as well as the approach shows the influence of Professor McDougall. A devout believer in public order, Dr. Johnston sees that the best promise for future conservation lies in international co-operation and, as so often nowadays, he draws attention to the Antarctica Treaty to indicate what can be achieved — he, however, points out that 'the world's fishery problems are infinitely more complicated and more serious'. He is also aware that, in the modern world, priorities are essential, and suggest the following: contiguous, underdeveloped and highly dependent states.

Most of the articles deal with labour problems in Canada — jurisdictional disputes (know in some countries as demarcation disputes), legislation in Quebec and conciliation boards in British Columbia — while Dr. Frank of the Lanchester College of Technology writes of 'The Drift towards a British National Wages Policy'. Of most general interest, perhaps, is Dean Rand's paper on 'The Law and Industrialism'. He draws attention to the way in which industry has changed from individual into private enterprise, through the medium of an instrument of the law — the limited liability company. This has been accompanied by a further development, whereby 'the products of industry are becoming the material structure of our entire society'. Having indicated the development of social legislation in the field of labour in Canada, Dean Rand poses the question whether it is not time to distinguish between two types of strike — those which involve a particular employer, and those which may be described as 'cessations of functions upon which the public, in a broad sense, has become dependent.' He points out that industrial organisations, both of employers and employees, have now become essential features of modern civilisation having become integrated with the social organism. He is aware of the struggles inherent in such a situation and considers that legal regulation is essential. Among the measures he regards as indispensable are the secret ballot before strike action and compulsory arbitration of labour disputes.

Another paper which will prove of general interest is that by Professor Mackay on 'Peaceful Picketing and the Criminal Code'. He is of opinion that the judicial record on this issue in Canada, at least so far as tortious liability is concerned, shows 'a predilection on the part of the courts, by one device or another (by hook or crook) to impose liability on trade unions for any form of picketing which promises to be even remotely effective.' In so far as criminal liability is concerned, the courts are restrained by s. 366 of the Criminal Code, although there is apparently a tendency on the part of judges to regard a breach of this section as founding a cause of action in tort. While all criminal picketing may be tortious, the converse is by no means true. The writer contends that peaceful picketing is not criminal in Canada, and maintains that 'criminal liability should be reserved for conduct which is clearly excessive and not imposed merely because *viz-à-viz* labour and management, the former may have cheated a bit or the latter feels aggrieved.'

It is proposed that the next volume of *Current Law and Social Problems* will be devoted to the family and it is to be hoped that, as with this and its predecessors, there will be material to appeal to the sociological lawyer regardless of his nationality.