mainly from the reported decisions of these courts. These reports are short, rather scrappy, and often enough contradictory. But out of them the author has constructed a fuller picture of the chaotic legal situation than anyone has hitherto produced, to mirror the whole field of family law.

"Chaotic" is a fair description. The four provinces have no uniformity even in matters of procedure. Natal has had its own code for nearly eighty years. Its re-enactment last year, while this book was in the press, does not affect Professor Simons' analysis because, significantly, no notable amendments were introduced in spite of all the changes in the outlook of the Africans themselves in the thirty-five years that have passed since the previous codification.

What African opinion would require today, if it could be freely expressed, nobody knows. Again it is significant that the much-trumpeted Transkei Constitution Act of 1963, which purported to grant a very limited measure of "self-government" to the region, would compel the new High Court, if and when it is set up, to apply tribal custom rather than exercise the discretion which other courts still have in theory.

Professor Simons is perhaps open to criticism here and there on two grounds. He is inclined to assume that the radical political demands made by African leaders in the last twenty years imply readiness on the part of ordinary peasants and farm labourers (who form two-thirds of the black population) to accept complete legal equality for women. Would that it were so! But the record of other countries both in Africa and beyond hardly justifies this belief—unless one first assumes the achievement of a social revolution. Secondly, the author occasionally does less than justice to lawyers or judges. For instance, their "new look" at polygamous marriage and its consequences in England (p. 155) is not really due to the recent independence attained by African or Asian States. It goes back some thirty-five years; and is perhaps more clearly related to the declining influence of the strictly Christian view of marriage as the only one permissible to English law. But these and any other minor points cannot qualify the welcome due to a distinguished piece of research admirably recorded in an excellent book.

JULIUS LEWIN.


The African Law Reports are not only a valuable addition to the existing series of law reports but are likely to replace many of them. They will appear both as international and national reports. The former will publish, in subject-matter series, cases from common law Africa (and Ethiopia), though not from Southern Rhodesia and South Africa as these countries have a well-developed reporting system of their own. The first of these series is on commercial law and starts with cases decided in 1965, though retrospective coverage to 1900 is planned. Consideration is being given to companion series on other subjects such as public law, criminal law and evidence and procedure. The national reports will commence with two volumes for Malawi, covering important cases decided between 1922 and the present date.

The 1965 volume, attractively bound and printed, is in the form usual in common law jurisdictions of headnote, statement of facts and summary of arguments, and judgments. Two very useful innovations are the citation in extenso, below the statement of facts, of the relevant part of any statutes construed, and the numbering of lines. The form of the headnote is unusual in that all that appears is a brief statement of the ratio. The chief disadvantage (at least for busy practitioners) is that a dissent or a different approach by one member of the court is not immediately apparent and can only be discovered by reading all the judgments. (See, e.g., Kanti v. British Traders...
For all those interested in African law, this series will be a most welcome addition to libraries and, particularly if it appears regularly, a valuable aid to practitioners. (See further 1967 Journal of African Law (No. 3) p. 151.)

PETER WADSLEY.


SOUTH African law, based on pre-Napoleonic Roman-Dutch law and much influenced by English law, has derived more benefit from the English doctrine of precedent than any other single legal principle, in the view of the Hon. Mr. Justice Schreiner. The English reader will be particularly interested in those areas of the law in which South African law has rejected English law. In criminal law intent to cause grievous bodily harm is insufficient per se for murder, except as evidence of a subjective or reckless disregard of the life of another, and provocation is simply an element in intent to kill. The jury does not exist, because of racial difficulties, although magistrates have a wide jurisdiction. In tort "innocent" conversion is no conversion; an occupier owes a duty of care to trespassers whose presence could reasonably have been foreseen; defamation depends upon the intention of the publisher, not the effect upon the victim; there is no law of nuisance, only a law of neighbours.

Does the Rule of Law operate in South Africa? The Hon. Mr. Justice Schreiner, a distinguished jurist, and former President of the South African Institute for Race Relations, faces the problem with fearless objectivity. He points out that the concept of Rule of Law bears many diverse interpretations, and that in essence it may amount to a political rather than a legal matter. While acknowledging that many recent statutes may be said to infringe the Rule of Law, he asserts that the administration of the law by the lawyers and the executive has generally been fair within the confines of the law. This balanced approach to a most sensitive problem deserves careful attention.

ALEC SAMUELS.

BOOKS RECEIVED
(Inclusion in this list does not preclude review)

INTERNATIONAL LAW AND RELATIONS


Hardy, Michael, Modern Diplomatic Law. [Manchester University Press; Dobbs Ferry, N.Y.: Oceana Publications Inc. 1968. ix and 150 pp. £1 10s.]