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Book Review

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Book Reviews

Reviewed by Rathuel McCollum*

INTERNATIONAL PROBLEMS OF FINANCIAL PROTECTION AGAINST NUCLEAR RISK. A report of a study staff of the Law School, Harvard University. Published by Atomic Industrial Forum, Inc., New York; IV and 95 pp.; 1959.

The problem of protection against financial disaster because of personal injury and property damage due to nuclear incidents is of major concern to operators of nuclear facilities. The Atomic Industrial Forum and the Law School of Harvard University entered into an agreement for a study of the international aspects of financial protection of those engaged in the nuclear industry.

Part One of the book is a summary of the report. Part Two, a detailed analysis of the report, contains four chapters and an appendix. The chapter headings are as follows: "Some Applicable Legal Principles"; "Private Arrangements to Limit Suppliers' Liability"; "Areas in Which Government Action Is Desirable"; and "The Methods of Government and Intergovernment Action."

Chapter One is concerned almost exclusively with principles of the law of torts and questions of jurisdiction, venue, *forum non conveniens*, statutes of limitation, burden of proof, *res ipsa loquitur*, proof of negligence, *respondeat superior*, strict liability, damages, etc. Although this information is useful to the trial attorney who is pleading the case of an injured plaintiff, it tells the nuclear facility operator nothing about how to protect himself financially beforehand.

The second chapter discusses methods limiting the liability of suppliers by means of private liability insurance, the creation of subsidiaries to transact foreign business, licensing foreign companies to do selling in their markets, placing personnel at the disposal of and under control of foreign firms and exculpatory contract clauses.

Chapters Three and Four discuss actions that can be taken by governments individually and collectively to aid nuclear growth. These include indemnification, direct compensation of

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victims, reinsurance, partial payment of premiums, pooling arrangements. Another method of action is the creation of international and regional agencies to handle the question of third party liability.

The appendix is a draft convention on third party liability in nuclear activities proposed for adoption by the Organization for European Economic Cooperation, of which the United States and Canada are associate members.

Despite the extensive discussion of substantive and procedural rules of law, this report will serve the nuclear industry as a valuable aid in its quest for financial protection from nuclear incidents.

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*Reviewed by Jack F. Smith**

PROPERTY: CASES AND MATERIALS, by John E. Cribbet, William F. Fritz and Corwin W. Johnson. Published by Foundation Press, Brooklyn, N. Y. 1187 pp; 1960.

The authors have compiled a text and case book on the law of property which merits serious consideration for adoption in law school classes on property.

The curricula of the present-day law school have been so increased by the addition of practical, or so-called "bread and butter" courses, that there is no longer time for a leisurely approach to the basic subjects such as Property. In recognition of this, the authors have gathered materials which do not neglect the historical background of real property, but present it concisely and clearly.

An interesting innovation in a case book is a beginning chapter devoted to philosophical writings on property by well known legal philosophers. This chapter prepares the student for what is to follow. It also sets the format for the remainder of the work.

Each chapter is preceded by textual matter which explains the historical background and points up the problems involved. By making use of this preliminary reading, the student can ap-

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