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GOVERNMENTAL LIABILITY, by H. Street.  
Cambridge University Press, Cambridge, 1953. Pp.  
221. \$5.00.

George W. Pugh

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It can easily be seen that this is not a book which one would want to read from cover to cover. It is a research tool to which the lawyer and the librarian will turn when occasion arises. Its chief aim is to facilitate research. If one heeded the advice contained between its covers, no time would be wasted in solving any kind of problem. For those not yet too familiar with the various approaches to federal, administrative and statutory law, the book is particularly recommended. It will take patience, however, to absorb what the authors have to say.

To those who, in their student days have been subjected to a course in legal bibliography, the book will be helpful in learning it all over again.

*Kate Wallach\**

GOVERNMENTAL LIABILITY, by H. Street. Cambridge University Press, Cambridge, 1953. Pp. 221. \$5.00.

Contacts between citizen and government, like contacts between citizen and citizen, necessarily involve within them the possibilities of friction and disagreement. If a citizen's dispute with his government cannot be settled amicably, what rights does he have of redress? Because of the doctrine of sovereign immunity, spawned by the English monarchical system, and imported illogically into American legal thought, a citizen of this country can sue his government *only* if his government *consents* to be sued. That this should be the law in a land of representative and responsive government is a frightening fact. Fortunately the rigors of the rule have been gradually softened by congressional consent to be sued in particular areas. The Federal Tort Claims Act of 1946 represents a very tardy but substantial achievement in man's fight for responsible government. But, as is incisively shown in this little book, there is much that remains to be done—not only in this country, but in the rest of the world as well.

This book is the fourth in a series sponsored by the Cambridge Studies in International and Comparative Law.<sup>1</sup> Their publications should meet with particular interest here in Loui-

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\* Law Librarian, Louisiana State University.

1. The following volumes were previously published: H. C. Gutteridge, *Comparative Law* (1946); J. Mervyn Jones, *Full Powers and Ratification* (1947); H. Lauterpacht, *Recognition in International Law* (1947).

siana, for an understanding of the problems and solutions of other jurisdictions is essential to a wise reformulation of codal systems. Mr. Street's work is an excellent example of the practical utility of certain lines of comparative study. The responsibility at law of a government is a problem common to all countries. What solutions or partial solutions have others found? How do our attempted solutions compare with those of other countries?

Since this book was written by the law professor of an English university, it is not surprising that its focus is designed for an English reader. Nevertheless, careful analysis is made of American statutory law and jurisprudence, and the American reader will be gratified by the author's fair (albeit critical) appraisals.

After a brief but revealing historical analysis of governmental liability in England, the United States, France, Germany, and several other countries, the author gives a tightly written and beautifully executed summary of the government liability of England, the United States, and France in tort, contract, expropriation, quasi-contract and trust. Thereafter the following subjects are treated: (1) remedies against the state (discussing the availability of the declaratory action, mandamus and injunctions), (2) substantive limitations on the liability of the state (dealing with the applicability of legislation, of estoppel, and of limitations, laches, etc.), and (3) procedural limitations on the liability of the state (discussing discovery, costs, interest, execution of judgments, etc.).

What this survey discloses concerning English law may well be said of American law:

"This comparative survey of the field of State liability shows that English law has not yet made a full contribution to the reconciliation of the freedom of the individual and the authority of the State. Much reform is called for before the individual has adequate legal protection against the Administration." (p. 186)

*George W. Pugh\**

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\* Assistant Professor of Law, Louisiana State University.