

ning that should be taken to meet some of the problems raised in her book:

We need new and better legislation that uses the knowledge we have to protect children, not to punish parents. We need community planning specifically devised to make the best use possible of every available dollar, to give the maximum benefit to children, and to coordinate and develop every potential resource to its fullest capacity. We need greater public understanding of the problems and complexities child welfare faces in trying to protect children and greater support of its efforts and needs.

Finally, we need much more knowledge. . . . We need research that will pursue the many questions that can only be suggested by this study. We need to know causes and means and fulfillable goals.<sup>21</sup>

I should like to underscore these steps. I should note, however, that in "Wednesday's Children" Dr. Young herself has added a great deal of knowledge. She has also contributed significantly toward clarity in the field.

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SPACE LAW AND GOVERNMENT. By Andrew G. Haley.<sup>1</sup> New York: Appleton-Century-Crofts, 1963. Pp. xvii, 584.

Andrew G. Haley is a lawyer of over thirty years' experience. He has nursed the growth of communications law from the earliest days of radio and television regulation, and has become a leading world authority in technical and legal matters of communications and astronautics.<sup>2</sup> Mr. Haley's latest book, "Space Law and Government," has received the scrutiny of several technical, medical and scientific reviews.<sup>3</sup> Although the work is primarily a study of "law," it has not received a detailed legal review. For that reason the present review considers neither the discussions of technical and

<sup>21</sup> YOUNG, WEDNESDAY'S CHILDREN 148 (1964).

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<sup>2</sup> Mr. Haley's expertise in the general field of astronautics is amassed from his experience as a founder and first President of Aerojet Engineering Corporation, President of the American Rocket Society and the International Astronautical Federation, and General Counsel of the latter two organizations for a cumulative total of twenty-seven years.

<sup>3</sup> Reviews have appeared in 50 A.B.A.J. 477 (1964); 48 Ordinance 580 (March-April, 1964); 14:16 Missiles and Rockets 43 (April 20, 1964); 31 Telecommunications J. 145 (1964); 18:5 Signal 38 (Jan. 1964); Time, Nov. 29, 1963, at p. 54.

scientific problems nor his treatment of political and economic aspects of spaceflight activities; these have been acknowledged as extremely competent and valuable. This review seeks to examine the lawyer Haley, and his contribution to *legal* literature in the study of "Space Law and Government."

Early in the book, the author discusses the traditional bases of international law. Contemporary proponents of the "empirical-sociological" theory of space jurisprudence<sup>4</sup> are criticized<sup>5</sup> for their revolutionary theories. In arguing that their approach to law is unviable and unrealistic, Mr. Haley contends that the general principles of Natural Law must be acknowledged and respected as the prime source of all law, particularly that of the international community.

Whether one tends to embrace the concept of Natural Law as a basis for international law or subscribes to the more pragmatic, empirical-sociological thesis, the resolution of the apparent conflict between these alleged extremes of jurisprudential thought is evidenced daily in the relations among States. It is in fact "what the courts do" which is the ultimate concern of practicing attorneys. Courts may cite St. Thomas Aquinas, or they may invoke a redefinition of legal concepts necessitated by changing socio-economic circumstances. In the final analysis, however, judicial decisions are essentially a compromise between the pragmatic needs of contemporary social relations and the eternal and immutable principles of Natural Law. Neither approach validly precludes the other.

In the final chapter of his book, Mr. Haley advances his own revolutionary concepts of law. The elaborately explained system of *Metalaw* is expounded in the most detailed and complete treatment accorded the subject to date. Mr. Haley insists that continued reliance upon anthropocentric concepts of law could be fatal to the community of mankind if and when contact is established with other sentient societies on distant celestial bodies. The "golden rule" which has inspired so many philosophers on our planet must, under Haley's analysis, be inferior to the appropriate universal precept that "We must do unto others as they would have done unto them."

These general, philosophical and jurisprudential discussions ac-

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<sup>4</sup> COHEN, *LAW AND POLITICS IN SPACE* (Cohen ed. 1964); McDUGAL, LASSWELL & VLASIC, *LAW AND PUBLIC ORDER IN SPACE* (1963).

<sup>5</sup> Mr. Haley's critical approach to the "empirical-sociological" school is shared by Professor Richard Baxter of Harvard.

count for only a small portion of the work. In early chapters of the book, Mr. Haley examines the legal situation with regard to the express and tacit consent of States to the passage of foreign space-flights over their territory, and he offers a detailed history of the factual experiences of States with overflying space vehicles. Carefully avoiding analysis of prior experience in maritime and air law, from which analogies to space situations might be drawn,<sup>6</sup> he contends that such analogies have only limited value and applicability when considered as bases for space law. The physical nature of the space realm is so unique, and experience there so meager, that labored analogies cannot be expected to meet the needs of serious legal scholars in formulating or considering a legal regime for space.

Once again, compromise is required. Haley harmonizes an essentially conservative Natural Law philosophy, that would analogize space law and immutable principles of terrestrial law, with a liberal, flexible approach. His analysis implicitly recognizes that although past experience has substantial precedential value, the law regulating novel activities in a new environment must be dictated by the needs of the future. If properly synthesized, past experience, current precedent, and social needs of the future may assume their proportionate roles in the formulative process.

After examining the traditional concepts of sovereignty, its establishment, maintenance and manifestations, Mr. Haley notes the reluctance of participating States to enunciate clearly their policy concerning the legal status of celestial bodies, and the possibilities of establishing sovereignty over them. Despite the declarations of the United Nations, the question remains dangerously open, and therefore Mr. Haley considers the legal status of celestial bodies to be a pressing, high-priority problem.

In chapter seven Mr. Haley offers an analysis of, and reactions to, the current state of the communications law relevant to space-flight activities. Because of his expert qualifications to discuss the present status of communications and to suggest and project future developments, he is technologically more competent here than in any other part of the book. His history and analysis of the International Telecommunications Union, its accomplishments, incapacities, problems, and prospects is the best available in space legal literature.

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<sup>6</sup> See, e.g., MCDUGAL, LASSWELL & VLASIC, *supra* note 5.

The subsequent chapter, concerning the question of liability for personal injury and property damages resulting from spaceflight activities, is the most legally detailed and elaborately analyzed problem in the book. Treating the questions of nuisance, trespass, absolute liability, negligence, sovereign immunity, the Federal Tort Claims Act, compulsory insurance, vehicle recovery, claims of aliens and foreign governments, and the need for treaties to resolve existing problems, this chapter contains the cases, commentary and creativity of an outstanding legal discussion based upon sound legal research. It is the only portion of the work which could stand alone as a purely *legal* treatment of current space problems. The analysis is comprehensive, and the research is exhaustive.

"Space Law and Government" was many years in preparation. It evidences clearly that its author is no Johnny-come-lately with chrome-plated solutions to problems which have long confronted scholars. The book is written in a flowing narrative style which occasionally loses vitality when lengthy technical explanations are offered as background for subsequent general and legal discussion. In this regard Mr. Haley may have been too generous in the provision of technical information; however, for the non-technical reader who is sufficiently interested, ample material is offered to fill gaps in experience. The book does not purport to supply a panacea for man's growing pains as he expands into space. It is an attempt by a man with a lifetime of experience to discuss a complex and inter-related group of legal, social, political, economic, scientific, and technical problems.

As a legal work, portions of the text are of high quality, accurate, and pithy; the bulk of the book is devoted to explaining the context from which the law must emerge. As an excellent layman's survey and useful student's introduction, it combines purely legal and pragmatically politic ideas with a wealth of functional, mundane, and useful experience of scientists and technicians. The book is a survey, a commentary, and a small library of relevant appended documents worked into a readily digestible unit. While it is not a law book in the strict sense, it could be profitably read by any member of the legal profession.

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