

## **Book reviews**

**POLITICAL TERRORISM: THEORY, TACTICS AND COUNTER-MEASURES** by Grant Wardlaw. Cambridge University Press, Cambridge, 1982, 218 pp. including index. Price \$14.95. Reviewed by Neil Cameron.\*

The literature on political terrorism is enormous. A recent bibliography on the subject runs to just under 4,000 entries. Yet as Wardlaw points out in his preface to this volume this mass of literature generally fails to address some of the most crucial issues raised by both terrorism and, perhaps more importantly, the counter-measures adopted to deal with it. Thus many studies ignore the history of terrorist activity and accept current political and media presentations of the phenomenon as a valid starting-point. Many ignore the vexed question of the linkages and discontinuities between crime and terrorism, and in particular of the labelling processes involved in the subtle distinctions drawn between the two. Others ignore the emerging problems of state involvement in terrorism and the increasing use of terrorist activity as an instrument of diplomacy. The particular gap that Wardlaw sets out to fill relates to what he describes as the issues of policy raised by terrorist activity and responses to it. This is certainly an area that is long overdue for systematic consideration and Wardlaw provides an excellent introduction to most of the major issues.

After a number of useful chapters covering the history, definition, nature and effects of modern terrorism, Wardlaw provides a brief outline of the major policy options facing any democratic society in dealing with it. He then goes on, in a number of more detailed chapters, to discuss the specific policy issues raised by the media, the use of the army in counter-terrorist operations, the legal regulation of terrorism, and the use of intelligence and intelligence services. Two further chapters, one on handling hostage situations and one on the role of the behavioural sciences, follow and the book concludes with a chapter on future trends in political terrorism.

As an overview of the topic and as an introduction to a number of issues that are frequently neglected or glossed over, this book is first class. Wardlaw's discussion, for example, of the British and West German legislative response to two rather different kinds of terrorist threat is clear and sensible, raising many of the political and civil liberties issues well and suggesting possible compromises and solutions. One's only regret is that the discussion is so brief and that the conflicts and dangers that are alluded to are not spelt out in more detail. A discussion of the British legislative response to terrorism for example, that covers only the 1974 and 1976 Prevention of Terrorism (Temporary Provisions) Acts, cannot be more than a very simple introduction to the area. Furthermore a book that considers the policy implications of this legislation without really attempting to trace the effects of the Northern Ireland conflict and the measures taken to deal with it on the more general debate on police, police powers and the legal system in Britain, surely ignores one of the more significant policy implications of "crisis" legislation in this area.

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Overall then, this is a competent introduction to many of the most important questions raised by terrorism and our efforts to contain and control it. It can be recommended to any student of the topic and to the general reader. It raises more questions than it answers and it leaves one wishing the author had been able to spend more time on most of the areas he has covered — but then those are the classic signs of a good introductory book.

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**THE LAW OF TUG, TOW AND PILOTAGE** by Alex L. Parks. Second edition, Cornell Maritime Press, Centreville, Maryland, 1982, cxxvi + 1228 pp. (including index). U.S. price \$90 (Cloth). (ISBN 0-87033-265-1). Reviewed by Ian Mackay.\*

It is extremely difficult for a maritime lawyer to review the latest edition of this monumental treatise on the law of tug, tow and pilotage. The first edition in 1971 dealt with American law only but this, the second, has been greatly expanded and covers in addition Great Britain, Canada, Australia and New Zealand.

Alex Parks is well known to members of the Maritime Law Association of Australia and New Zealand not only for his encyclopaedic knowledge of maritime law but also for his ability as a speaker to communicate it in a delightfully relaxed manner. His writing is an equal pleasure and has the ring of authority to be expected from one who is a member of the Oregon State Bar and of the Bars of the United States District Court (District of Oregon), the Courts of Appeals of the Ninth Circuit and the District of Columbia, and of the United States Supreme Court. In his leisure moments (presumably) he is Adjunct Professor (Admiralty) at Willamette University College of Law.

But — the book itself. It is very large and very heavy, with 126 pages (cxxxvi to the Latin scholar) of introductory matter and cases, and 1228 pages of text, appendices and index. For the curious, its weight is 2 kg. The print is beautifully clear and easy to read and the list of contents at the beginning a joy to behold and work with. There are about 5,000 cases in the table, culled from the jurisdictions dealt with in the text. It could not be more comprehensive.

To the New Zealand lawyer, however, its title is inevitably rather off-putting. There is little movement of cargo by tug and barge in this country and the hiring of tugs is largely in the control of harbour boards. As a point of interest, Mr Parks notes that in 1977 barges were transporting in excess of 653 million tons of cargo in the United States, more than 40 times the total tonnage of *all* cargo handled in New Zealand in 1983. It is not therefore surprising that there is a substantial body of law in America on tug and tow but none in New Zealand.

It would therefore be easy to write off this book and say: "Don't buy it". This would, however, be to ignore one of its most outstanding features, the fact that it brings together in one volume an overview, so to speak, of many important

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topics in maritime law. You want to know about maritime liens? Start at page 818 and you will find 65 further pages of information. If you are advising a joint venture fishing company, the writer's recent experience leads him to suggest that you might be well advised to have a look at the chapter on charters and to cast a glance at those on marine insurance and salvage before bursting into print to your clients. Then, of course, there is that hardy annual of a question: "What is a ship?" To the uninitiated this might appear to admit of an immediate and simple answer but that would only display a great ignorance of matters maritime and of the ingenuity of maritime lawyers in particular. In the Shipping and Seamen Act 1952, section 2(1) provides: "Ship" means every description of vessel (including barges, lighters and like vessels) used in navigation, however propelled. . . .

The difficulty, however, is to give a meaning to the expression "used in navigation" which Mr Parks correctly notes is nowhere defined in the statutes. A number of cases have shown what the courts have considered *not* to be ships so ad hocery is the order of the day. Are the craft — to use a neutral expression — operating off the coast of New Zealand in the search for oil "ships" within the meaning of the Act? Who knows until a case goes to court? Mr Parks quotes, obviously with approval, the words of that famous maritime lawyer, Scrutton L.J., who said:<sup>1</sup>

One might possibly take the position of the gentleman who dealt with the elephant by saying he could not define an elephant, but he knew what it was when he saw one, and it may be that that is the foundation of the learned Judge's judgment, that he cannot define 'ship or vessel' but he knows this thing is not a ship or vessel.

Which probably sums it all up for us.

It is an incredible treatise and Alex Parks has drawn together a group of well-known lawyers from England, Canada, Australia and New Zealand to act as Associate Authors and advise on statute and case law in their own countries. The countless citations from all of these jurisdictions thus make this a truly international text book. The New Zealand contributor was Tom Broadmore of Wellington who is well-known in this field of law.

Finally, if your day-to-day affairs involve you in the mundane and boring amalgamation of huge companies or in arranging the construction of towering office blocks for them to live and entertain in, you may still have a mutant gene which causes you to admire the Jolly Roger, Jim Hawkins and Long John Silver, and makes you long for the smell of a tarry rope. This book will give it to you. Its first two lines read: "Oddly enough, problems of the sailing clippers unquestionably were responsible for the genesis of towboats", and, unless your arm breaks under its 2 kg. weight you will carry on and have difficulty in not browsing through the pages of this quite fascinating book. At least, you will if you are or wish to be a maritime lawyer!

**P.S.** Did you know that a 'towboat' pushes and a 'tugboat' pulls? They seem to, in America (pp. 4, 5).

1 *Merchants Marine Insurance Co. v. North of England P. and I. Association* (1926) 26 Ll.L. Rep. 201.