

of Mr. Justice Barry to report on the prospect of a criminal code. R. O'Sullivan attacks the deficiencies of the law of libel. "If the rules applicable to libel were applied to all kinds of defamation, and the fact that the defamation was oral was only allowed to weigh in considering the measure of damages, no serious complaint could be made against our modern law." R. C. FitzGerald treats with understanding the problems of "planning law"—he considers that the Englishman wants something better in the future than he has had in the past, provided that the price of terms of regimentation and bureaucratic control is kept within reasonable limits. But he feels that the present Act has no limits and the price is fantastic.

G.W.P.

Freedom Under the Law, by the Right Honourable SIR ALFRED DENNING, One of the Lords Justices of His Majesty's Court of Appeal in England. London. Stevens & Sons Ltd. 1949. pp.viii, 126.

This book consists of the first series of lectures under the Hamlyn Trust, the object of which is to further knowledge among the common people of the United Kingdom of the comparative jurisprudence of the chief European countries, so that these common people may realise the privileges they enjoy. This is no easy task for a lecturer, however distinguished he may be, for the technicalities of law can be discussed in popular language only at the risk of inaccurate generalisation. The author does not pretend to have produced "a scholarly discourse replete with copious references," but has succeeded in giving an objective and, on the whole, remarkably balanced treatment of some of the more controversial problems of today. The four lectures are entitled Personal Freedom, Freedom of Mind and Conscience, Justice between Man and the State, and The Powers of the Executive. The work is sound so far as it is confined to English law, but the references to foreign systems are rather superficial. The final statement is that "properly exercised the new powers of the executive lead to the welfare state: but abused they lead to the totalitarian state. None such must ever be allowed in this country."

G.W.P.

International Law and Human Rights, by H. LAUTERPACHT, K.C., LL.D., F.B.A. London. Stevens & Sons Ltd. 1950. pp. xvi, 475.

The subject of the rights of man has been exhaustively studied by Professor Lauterpacht and in 1945 there appeared his book on *An International Bill of the Rights of Man*. Since then the Universal Declaration of Human Rights has been accepted by the Assembly of the United Nations. The work is brilliantly written and packed with much learning. In order to be fair to the author, the reviewer must confess his own

prejudices. As a piece of propaganda (in the best sense of the word), the Universal Declaration of Human Rights is a useful statement which emphasises the inherent dignity of human personality. The only persons who could wish for its adoption by all the nations of the world in a binding Covenant would be the members of the legal profession, who could be employed *ad infinitum* in the task of translating its glittering and plausible generalities into working rules of law. Common values spring from a sense of community and, until there is a greater sense of community among the nations of the world, it is futile to expect to create an ordered scale of rights that are worthy of protection. As it stands, the Declaration may be adopted by nations who insist on discrimination based on colour, or those to whom freedom is an empty piece of rhetoric. The author recognises these difficulties and emphasises that "purely nominal measures which create an unwarranted appearance of success are inimical both to progress and to international morality¹." The attitude of the various countries is traced. Russia clearly would not participate in any machinery for the enforcement of an international bill of rights. The United States supported the Declaration, but opposed any right of petition by individuals or groups, partly through reluctance to submit domestic issues to any international body, partly because of the difficulties of a federation, partly because of the position of the negro. The United Kingdom considered that in practice no international organ could cope with what might be an unwieldy mass of private relations. Australia has been the most emphatic in her proposal for an International Court of Human Rights open alike to states and individuals and private organisations. The author remarks cryptically that it is significant that Australia was the country which on previous occasions emphasised the invulnerability of domestic jurisdiction. Is it not merely due to the fact that our foreign policy is a series of improvisations varying according to the mood of the Minister for the time being? The federal parliament has not a foreign affairs committee and debates on this subject rarely arouse interest, unless foreign policy touches directly on some domestic matter, such as the price of wool.

The author strongly emphasises that a Declaration, without powers of enforcement, would achieve little. He, therefore, sets forward his own proposal and submits a draft of the International Bill of the Rights of Man which includes the constitution of a Human Rights Council of nine persons to which there is to be an unqualified right of petition by private groups and organisations within the states. The Commission is to contain at least three of judicial experience, but it is not to be a court in the technical sense, for at any rate in the early days of trial and error the process would be one of conciliation and arbitration, rather than the application of legal rules. Moreover, the Commission will deal with social and economic rights which cannot easily be enforced by a judicial process. It seems, then, that the Commission would have functions analogous to the Australian Arbitration Court.

G.W.P.

1. At p. 280.