

REVIEWS AND NOTICES

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International Law and Totalitarian Lawlessness. By GEORG SCHWARZENBERGER. London: Jonathan Cape Ltd. 1943. Pp. 168. (10 s. 6 d.)

The detractors and the defenders of international law have for long been carrying on a battle of words. The former are content to emphasize international law in action and to draw therefrom their conclusions of its impotence; the latter, while admitting the limited application of international law, dwell on its principles, point to its growing achievements and express their impatience with those who expect immediate and perfect solutions for complex problems in terms of enforceable law. The detractors find their most useful illustrations in connection with war; the defenders, in connection with peace.

The present book defends on three related fronts: (1) States not engaged in the present war are not required by international law to remain meekly impartial: (2) The war crimes of the axis countries are punishable under international law: (3) International law can meet the totalitarian menace through outlawry. The first point rests, of course, on the Pact of Paris and finds illustration in United States policy prior to the attack on Pearl Harbour. The second point rests on the international customary law of war, partly codified in the Hague Regulations, and on the further possibility of a conventional arrangement for punishing war criminals at the conclusion of peace. (The vanquished are, of course, in a poor bargaining position even if they should be consulted.) The third point is supported by emphasizing the alternative possibilities of withdrawal of recognition or self-outlawry of a state which is a persistent law-breaker.

These points have been made many times and in many places but they hardly comfort in the midst of war except in so far as they hold out the promise of future preventive action. The effective realization of the second and third points depends on institutional machinery of a world organization, as well as on securing agreement on joint action. A great deal of the disdain of the present system of international law stems from its duality in the sense that it looks with equal dispassion on action and inaction in relation to international delinquencies. The man in the street is justly sceptical when told of what action international law permits, when he remembers that inaction preceding the present war was likewise said to be consistent with international law. Even when international law imposes an obligation, as distinguished from merely conferring a power, its individual implementation by the various states is not assured, as the history of sanctions discloses. It was not the author's purpose to deal with modifications in the system of international law, and, within the limits which he set himself, he has been thorough and scholarly. Numerous appendices to the text, such as judgments of the German Supreme Court in the trials of war criminals held following the last war, add spice to the main discussion.

A Permanent United Nations. By AMOS J. PEASLEE. New York: G. P. Putnam's Sons. 1942. Pp. x, 146. (\$1.50)

In this collection of addresses, interestingly prefaced by a short chapter summarizing his views, the author advances a number of suggestions for the effective organization of the world community. He would have the nations delegate powers to the world state under a written constitution containing a bill of rights. Believing in bold strokes, he suggests a permanent world congress (legislative organ), adequate executive organs which would apply sanctions as an instrument of the world community, and judicial organs consisting of a court of international justice with compulsory jurisdiction and a system of inferior courts. He rightly considers it important that the world state be financially self-supporting and proposes in this connection the establishment of a world currency and the central administration of fair rules of international trade, travel and communication. Countries which proved themselves unfit, from the standpoint of general world welfare, for self-government, e.g., Germany, would be temporarily or permanently controlled through the world government.

CORRESPONDENCE

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EDITOR, CANADIAN BAR REVIEW.

Sir,—I read with interest and admiration what appeared in the April issue of the CANADIAN BAR REVIEW on lawyers.

I think we are quite justified in asking ourselves what is wrong with us. There isn't the least doubt that the man on the street has a great antipathy towards lawyers, and often speaks of them as rascals and cheats. How did we come to earn such a reputation?

I think our greatest sin is not realizing the value of time. Too many of us are content to drag matters on that should be brought to a conclusion in very short order. Some of us have no adequate follow-up system of filing with the result that matters are overlooked. Some of us are lazy and that accounts for delay because when a person doesn't know what to do he likes to put off that job as long as possible. If we are to put our house in order, the first thing to do is to try and convince those who employ us that we are anxious to get the job done quickly and well. We should also keep our clients informed of what is going on. Some lawyers think that their clients should be kept entirely in the dark and I have heard them use a gruff tone when the client would telephone and ask what was being done.

We have also been guilty of overcharging. If we are not prepared to render a detailed bill and accompany it with a letter giving some idea of