


## REVIEWS AND NOTICES

 Publishers desiring reviews and notices of books or periodicals must send copies of them to the Editor.

*Peace, Security and the United Nations.* EDITED BY HANS J. MORGENTHAU. Chicago: University of Chicago Press. 1946. Pp. 134. (\$1.50).

Not the least of the grounds for optimism with respect to the United Nations is the more realistic approach to it than to the League of twenty-five years ago. There was then an all-too general assumption that the signing of the Covenant and the setting-up of the political machinery it called for provided in themselves a reasonable assurance of peace. And all through the period between the wars there was a marked tendency for the practitioners of international affairs to approach the legal and political problems involved in establishing peace and security under the Covenant in the spirit of a legal practitioner examining a private contract or a piece of domestic legislation. We know better now. We know now that, whether Covenant or Charter, it is not the end but the beginning of the road.

These five Harris Foundation Lectures are admirable examples of the more realistic thinking of today, which notes the noble principles so eloquently stated in today's version of the Covenant but goes on to ask how they are to be worked out in the world as we know it.

Thus Professor P. E. Corbett in his discussion of "Power and Justice" asks why the small nations should have derived any comfort from the addition of the word "justice" to the Charter, and points out that if they thought it would give them their day in court, we should not forget that "what they get at the end of their day will still depend on the fickle benevolence of the powerful". Professor Corbett of course is well-known to a wide circle of Canadians, both lawyers and laymen, as a distinguished writer and teacher, who for many years was on the Faculty of Law at McGill.

Thus again, Professor Burns in discussing under the caption of "The Treatment of Enemy Powers" what he calls "one of the greatest tasks of social engineering ever undertaken", namely "the reshaping of two large and vigorous nations to fit into a pattern of world peace", raises the disturbing question: While the brand of ascetic idealism common to Germany and Japan has undoubtedly proved a curse to mankind, is the type of materialism by which we live the best way out?

Professor Graham's "Great Powers and Small States" throws much fresh light on the historical background of the present international situation with special reference to "the emergence of the middle states, for perfectly objective security reasons", which he regards as "one of the most striking political phenomena of our time"; while Professor Schuman in his discussion of "Regionalism and Spheres of Influence" points out that the Charter "reiterates the principles of international rectitude and self-denial which have long been praised by all right-thinking citizens pursuing international morality and long been ignored by all realistic governments pursuing national interests", but "does not alter in any fundamental way

the traditional concepts of international law and diplomacy or the established structure of the Western state system as a congeries of theoretically equal sovereignties".

Finally, the seal is put on the more realistic approach of this group of lectures by Mr. Staley of the Institute of Pacific Relations, who in dealing with "World Organization on the Economic Fronts" drives home the all-important point that world peace cannot be preserved, as seemed to be widely believed after the last war, by purely political methods or by force alone, that "a sound progressive world economic environment is vitally important to the success of the international security system, and that part of the task of the United Nations Organization is to promote such an environment".

The realistic and objective approach of these lectures, which are written withal with an unmistakable sureness and, in the case of Professor Schuman, lightness of touch, makes them a notable contribution to a subject to which no one can afford to be indifferent.

H. W. MACDONNELL.

Toronto.

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*The International Secretariat: A Great Experiment in International Administration.* By EGON F. RANSHOFFEN-WERTHEIMER. Washington: Carnegie Endowment for International Peace. 1945. Pp. xxvii, 500. (\$4.50).

A more opportune moment for the publication of this excellent survey on the International Secretariat, or supranational civil service, could hardly have been found. Every day the press and radio echo the efforts which are being made by different committees—and by the Assembly of the United Nations itself—to set afoot somewhere the permanent secretariat of the new world peace organisation.

The present survey forms part of the studies undertaken by the Carnegie Endowment for International Peace on the experience gained in the past in the field of international administration. The term secretariat was used in Geneva to designate the members of the staff of the League of Nations.

As the author observes in his introductory remarks, the purpose of this study,

is essentially retrospective, analytical, and designed to extract the essence of the experience of the past, but it contains many elements pointing to the future. It may therefore be of some value to those already engaged, or those who will be engaged in the building up of international administration.

What makes this book specially valuable is the fact that it was written by someone who had ten years' experience as a member of the staff of the organisation he describes. Not only could he speak from first-hand knowledge of his subject, but he also knew exactly where to look for all other information, much of which is taken from unpublished documents. He also drew from the proceedings of two conferences convoked by the Carnegie Endowment for International Peace—an Explanatory Conference on the Experience

of the League of Nations Secretariat and a Conference on Experience in International Administration—private conferences composed of former officials of the League of Nations who served in different administrative capacities. The author was also fortunate enough to have the assistance, advice and criticism of a number of his former colleagues.

Positively all aspects of a supranational civil service have been dealt with, at any rate all those aspects that necessarily came to the fore in Geneva as a result of the activities of the League of Nations and of the International Labour Office. There may be found in the survey semi-confidential information with regard to the subtle manner in which world policies were influenced by the smooth manoeuvring of officials recruited from states with dictatorial forms of government, down to the matter-of-fact routine advancement of the lowest member of the staff hierarchy. After expounding all the available facts and commenting on them, the author draws conclusions which he sums up in several interesting suggestions and proposals that deserve to be scrutinised by all concerned with the future of international administration.

As may be expected, many may disagree with Mr. Ranshoffer-Wertheimer as to the interpretation which he gives of certain circumstances of fact. For instance after discoursing at length on the basic concepts, competence and constitutional evolution of the Secretariat of the League as well as on the international leadership of its higher officials, the author goes into a detailed analysis of the evolutionary developments of the international administrative system. He compares the British and French methods of public administration as they seeped through the interstices of international administration. He examines at great length the effects of the British decentralising method of administration by contrast with the rather centralising system of the French in connection with the delegation and distribution of responsibilities among the members of the staff. He concludes in favour of the British system and deplores the shift from the British to the French system that was made when Sir Eric Drummond was replaced as Secretary-General of the League by his assistant, Mr. Joseph Avenol, a French national:

On the whole the result of the shift to the French system of administration was mostly negative. But it would be wrong to make this shift responsible for all the ensuing effects. At least an equal share of responsibility must be attributed to the accompanying circumstances and the general trend of events.

What is meant by "ensuing effects" is not very clear unless the author intends to refer to the ultimate disintegration of the League, which for all practical purposes came soon after Sir Eric Drummond's retirement. But surely the eclipse of the League cannot be attributed on a fifty-fifty basis to mere administrative procedure and outside influences in a world swayed by dictatorial regimes. This is definitely overlooking the personal element that underlies the use of any administrative system, and attaching too much importance to the system itself.

The truth of the matter is that the French system worked exceedingly well in the International Labour Office under M. Albert Thomas, its first Director. Now the British system seems to work equally well in the same organisation under the directorship of Mr. Edward J. Phelan, a former British civil servant. The excuses for the submergence of the League may best be found in the impact on either system of forensic events beyond the control of an institution that was devoid of all means to rebuke a threat of force by force.

A clearer perspective of the role played by the International Secretariat may be obtained from the following two passages taken from Mr. Ranshoffen-Wertheimer's conclusions:

The Covenant of the League restricted the external powers of the head of the international agency to those of acting in the capacity of Secretary-General at all meetings of the Assembly and of the Council, and summoning meetings of the Council upon the request of any member thereof.

In the light of subsequent events it appears particularly regrettable that, unlike the Directors of the ILO, the Secretaries-General of the League never availed themselves of the opportunity of defending the interests of the League and of the community of states as a whole before the Council and the Assembly and the public opinion of the world.

. . . .

The League experience has proved beyond the shadow of a doubt that international administration can function competently and successfully even under signally unfavorable circumstances. It has shown that international administrative methods can be developed and that persons from all corners of the inhabited globe can be brought together for a common purpose, to work and act together as a team. In addition, League practice has conveyed the unique and somewhat unexpected lesson that nationality plays a less disintegrating role in a multi-national administration than was expected. Common ideals, a common purpose, common conditions of work and life have proved potent factors in developing an 'esprit de corps', a common psychology capable of surviving the severest crisis imaginable. If such uniformity could be maintained at Geneva by a League whose influence soon began to decline, in a world of explosive nationalism that receded with gigantic strides to the old mechanism of power politics, it is safe to assume that, whatever the stumbling blocks to future collective action, it will not be impossible to assemble and maintain an international civil service.

HENRI BINET.

Montreal.

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*Canada's Burden of Taxation: Pre-War and Post-War.* By GILBERT JACKSON AND ASSOCIATES. Toronto: Oxford University Press. N.D. Pp. 24. (25 cents).

This booklet represents an attempt to evaluate the factors that may effect the tax burden of the Canadian people. The authors outline the part played in our economy by the cost of government and, in doing so, give a concise picture of the trend of federal government finance since the depression days of the 1930's. This section of the booklet is factual and therefore the most concrete.

Other factors considered are: the expenditure for the armed services, pensions, price stabilization and similar measures, family allowances, and the proposals on taxation and subsidies submitted by the Dominion to the provinces. The discussion of these latter questions necessarily presupposes that certain economic conditions will exist in the years up to 1950. Consequently, while the conclusions are interesting, they should not be considered

to be more than an estimate. It is well to remember that a good statistician can prove almost anything under the sun and then turn around and prove himself to have been wrong.

One conclusion of the authors is unassailable, and that is that inflation is definitely undesirable. They point out quite correctly that inflation is simply a method of exploiting a large section of society. In the early stages it may appear to ease the tax burden, but in the long run it constitutes a real menace to the national welfare.

R. I. FREARS.

Toronto.

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*Emily Murphy: Crusader ("Janey Canuck")*. By BYRNE HOPE SANDERS. Toronto: The Macmillan Company of Canada Limited. 1945. Pp. xviii, 355. (\$3.50).

Miss Sander's book is a blossom planted in the barren and stony field of Canadian biography. While it is not a portrait painted with the warts and moles showing, it is a worthy presentation of a worthy subject, which stops most efficiently one more gap in Canadian letters.

Mrs. Murphy touched life at many points. Two aspects of her career are of special interest to members of the legal profession—her work as Police Magistrate and Juvenile Court Judge for Edmonton and her aggressive championship in the legal arena of the rights of her own sex. She was the first woman to be appointed to judicial office in the British Empire. Her invasion of a field that man had come to regard as sacred to himself brought her up against the stone walls of prejudice and official stupidity, but sturdy qualities of head and heart, directed by a forth-right courage, enabled her to acquit herself well. A woman of advanced social views, she was far from satisfied with the present machinery for dealing with criminal offenders. "The method now in vogue", she often said, "is as if one sent a smallpox case, a fractured limb and a maternity case to a hospital and gave them all the same treatment, making them stay for an allotted period without any consideration as to whether they have recovered or not".

On the morning when she took her seat on the bench for the first time, a popular Edmonton criminal lawyer objected to her jurisdiction to try his client on the ground that she was not a "person" within the meaning of the statutes. This experience set her to thinking: is the law so static, so dependant on outmoded traditions and ancient ways of life and thought, that in Canada in the twentieth century it does not regard women as persons? Over the years while she was pondering this problem, a movement was gaining ground to secure the appointment of women to the Canadian Senate. The argument of the opposition was of course that "women" were not persons within the meaning of the British North America Act. Deciding to settle the problem once and for all, Mrs. Murphy with four other Alberta women went finally to the courts. The Supreme Court of Canada decided that women were not persons; the Privy Council that they were, basing its decision very largely on the principle that law should be considered as speaking with the voice of the present, not as echoing the voice of the past.

As "Janey Canuck" Mrs. Murphy wrote with a pen that had both strength and charm, as witness this from her "Song of the Wheat":

Who so great as to pen the song of the Wheat?  
Who can sum up its epic?

From its sibilant swish on the wide-flung steppes, to its whir and crunch under the wheels of the mill, wheat sums up the tale of the race. Like love, wheat rules the court, the camp, the grove. It makes or breaks the world of men. Wheat is blood. Wheat is life. Who can sing its song?

Those who have just returned from overseas service will be interested in the impression she formed of Englishmen during an extended visit to England as a young woman:

An Englishman must be always up and doing. He can only sit at dinner, or over hot punch. If he is rich he wears Balmorals and hunts tame deer. If poor, he wears hobnails and kicks his wife. It is sport anyway, for it causes suffering to others and amusement to himself.

Space forbids mention of Mrs. Murphy's other activities. But pay a tribute to Miss Sander's industry by buying and reading her book, where you will find a well-rounded, if enthusiastic, picture of Emily Murphy, Crusader.

ROY ST. GEORGE STUBBS.

Winnipeg.

### BOOKS RECEIVED

*The mention of a book in the following list does not preclude a detailed review in a later issue.*

*Studying Law: Selections from the Writings of Albert J. Beveridge—John Maxcy Zane—Munroe Smith—Roscoe Pound—Arthur L. Goodhart—Eugene Wambaugh—John H. Wigmore—Charles B. Stevens.* Edited by ARTHUR T. VANDERBILT. New York City: Washington Square Publishing Corporation. 1945. Pp. 753.

*Law Training in Continental Europe: Its Principles and Public Function.* By ERIC F. SCHWEINBURG. New York: Russell Sage Foundation. 1945. Pp. 129. (\$1.00).

*The Growth of Constitutional Power in the United States.* By CARL BRENT SWISHER. Chicago: University of Chicago Press. 1946. Pp. x, 261. (2.50).

*The Law of Divorce in Canada and the Practice in Divorce Actions in Ontario.* By H. L. CARTWRIGHT. Toronto: Canadian Law List Publishing Co. 2nd edition. 1945. Pp. xii, 274. (\$7.50).

*Some Political Consequences of the Atomic Bomb.* By E. L. WOODWARD. Toronto: Oxford University Press. 1945. Pp. 26. (25 cents).

*Law and Practice of Divorce and Matrimonial Causes.* By D. TOLSTOY. London: Sweet and Maxwell, Limited. 1946. Pp. xxxv, 386. (\$9.00).

*Pierre-Basile Mignault.* By ARMAND MARIN. Montreal: Editions Fides. 1946. Pp. 132. (\$2.75).