

procedure would depend on individual or non-state organizations being given the right to institute such actions. However, if this obstacle is overcome and a judgment is obtained, there is still the difficulty of enforcing that judgment against a recalcitrant state and this problem is canvassed in chapter 6.

At the end of the second world war, criminal actions were brought in respect of crimes against humanity before the tribunals in Nuremberg and Tokyo, and the author examines the possible extension of this concept in chapter 7. Although there have been several proposals for an International Criminal Court, no such Court exists as yet and there are grave doubts as to whether the states would agree to its establishment in the present climate of international opinion.<sup>1</sup> Nonetheless this remains a possible method of protecting human rights in the future. A long established diplomatic procedure, international negotiation, is another technique that may be employed in this area, and this is analysed in chapter 8.

In the remaining chapters he deals with Investigation, Sources of Information, the United Nations Double Standard and the Power of Publicity. One of the main obstacles to the resolution of international conflict at the present time is the lack of any suitable method of ascertaining facts and here the author makes use of the United Nations Southern Africa investigations as a model for analysis. In this way he is able to demonstrate the practical difficulties that may be experienced by fact finding groups or agencies, for example, non co-operation by the government concerned and the grading of evidence. The experience of the United Nations Ad Hoc Group which carried out the Southern Africa investigations makes it clear that if such investigations are to be effective the procedures of the investigating body must be rigidly laid down and followed. As indicated above there are problems with regard to sources of information and it seems beyond doubt that the best results will be obtained from oral hearings conducted on a judicial basis with the use of proper cross-examination procedures.

One interesting point made by Mr Carey, which is often overlooked, is the development of the United Nations Double Standard. This refers to the discrepancy which has arisen in United Nations practice in the treatment of individuals according to their status. Inhabitants of a trusteeship territory have the right of petition to the Trusteeship Council to complain of wrongs committed by the government whereas the citizens of the administering power have no such right.

The author concludes that investigation and negotiation are two of the most effective methods of protecting human rights at the present time, followed 'by publicity, and in extreme cases by impartial judicial procedures including criminal charges under established law'. Publicity is an extremely potent weapon in the fight against oppression. The importance of international public opinion may be difficult to prove but should not be underestimated.

GERARD BRENNAN\*

*Portrait of a Profession—The Centennial Book of the New Zealand Law Society*, edited by ROBIN COOKE Q.C. (A. H. and A. W. Reed, Wellington, New Zealand, 1969) pp. 1-422 and index. Australian price \$7.50.

In the year 1969 the New Zealand Law Society celebrated its first Centenary. It was proposed that to mark the occasion the Society should publish a history of the profession in New Zealand. To carry out the project a small committee was appointed and Mr Robin Cooke Q.C., was appointed editor. The present volume is the result of their labours and the labours of a number of persons who undertook to write chapters. The book is therefore what Sir Denis Blundell in his preface has described as 'very much a collective enterprise'.

<sup>1</sup> The Afro-Asian bloc would lend little or no support to this proposal after the South-West Africa cases (*Ethiopia v. South Africa* and *Liberia v. South Africa* (1966) I.C.J. Reports 6).

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The task which confronted the Committee, the authors and the editor was a stupendous one. Diversity in style and presentation by the various authors must have given rise to many difficulties. No doubt this combined exercise in research and in writing helped to consolidate the mutual harmony of the profession. The index contains the names of nearly 2,000 persons who are mentioned in the text; and those mentioned are not confined to persons who played a prominent part in the development of the profession there. This course, no doubt, had advantages, but these did not include conciseness and style.

Despite such comment as has already been or will later be made, the book must have given great satisfaction to the profession, for it is a most valuable record of which the Society may justifiably feel proud. Sir Denis Blundell in his preface refers to the book as 'a fascinating record of personalities and events down the years'. With this statement we are in complete agreement. In particular, the extract taken from the Memoirs of Sir Hubert Ostler, who died a quarter of a century ago, and included as chapter 6, and the contribution of chapter 7 by Sir David Smith are most interesting, especially when it is borne in mind that Sir David had retired from the Bench in 1948 being then 60 years old.

It is a pity that space does not permit any further elaboration of the book's merits, but something must be said about its relatively minor errors and omissions.

The absence of a subject matter index is unfortunate and renders a good deal of material almost inaccessible.

Having regard to the important part played by H. S. Chapman, the first puisne judge, and the available material, more might well have been said about him. After he resigned from the Supreme Court of New Zealand in 1852 he went to a Government post in Van Diemen's Land. In 1854 he was admitted to the Bar in Victoria and entered politics. He was Attorney-General for two brief periods. In 1855 he defended some of the Eureka rebels charged with high treason: all were acquitted. He was an acting judge of the Victorian County Court in 1859, and an acting Supreme Court judge in 1862-3. In 1864 he accepted re-appointment to the Bench in New Zealand, being then aged 61. There was then no prospect of an appointment in Victoria. Geoffrey Dutton, in his biography of Governor Eyre, under the title *The Hero as Murderer* makes some reference to Chapman. Eyre and Chapman were associates for some years in New Zealand. Dutton describes Chapman as 'witty and waspish—a social and intellectual snob' (p. 172).

The book has little to say about the public, political and charitable activities of the profession. There is not even a list of Attorneys-General who are by tradition the leaders of the Bar.

The review copy makes a sad mess of the pages following page 403; some being omitted and others in wrong order.

At page 209 reference is made to Sir Edmund Herring who is described as 'a former Chief Justice of New South Wales'. Sir Edmund, in fact, was Chief Justice of Victoria from 1944 to 1964. The author would appear to have confused him with Sir Leslie Herron, the present Chief Justice of New South Wales.

The final error relates to 'Mr' Colin Gilray on page 350 where it is said that he was headmaster of 'Scots' College. This should be 'Scotch' College. He never was at any time Vice-Chancellor of the University of Melbourne as the book states, but from 1954 to 1955 was Deputy Chancellor, a very different office. In 1956 Dr Gilray had conferred upon him by the University its honorary Doctorate of Law. He is now living in retirement near Melbourne.

But these few blemishes do not affect the great merit of the book. The illustrations—mostly photographic—are numerous and add greatly to the interest of the volume. The printing and binding, apart from the confusion as to some few pages, make the book attractive.

Again, congratulations to the New Zealand Law Society and those responsible for the organization, writing and publication of a handsome and worthy book.

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*Constitutional Law*, by J. D. B. MITCHELL, 2nd Ed. (W. Green & Son Ltd., Edinburgh, 1968), pp. i-xxxix, 1-364. Price £3-5-0 sterling.

It is a pleasure to welcome the second edition of Professor Mitchell's text on constitutional law. Its virtues of clarity, comprehensiveness and easy readability remain and the determination of the author to emphasise the issues which are important here and now continues to be amply illustrated. The excellent balance between generality of discussion in the text and specialisation of reference in the footnotes is preserved. The circumstance that the book is written from the standpoint of a Scottish, as opposed to an English, scholar is an advantage, for it enables the author to convey well to the reader that he is writing about British, and not merely English, constitutional affairs.

For an Australian lawyer the content of the book is what would be more readily identified as the first half of constitutional law, or in some instances administrative law. The ground covered in the first section of the book is the general basic constitutional assumptions of the English-speaking peoples, such as the rule of law, and the further assumptions of the unfederated English-speaking peoples, such as the supremacy of Parliament. There is a particularly interesting discussion of the question how supreme, or free, Parliament in the U.K. actually is. The second major segment is a description and analysis of the actual machinery of government from cabinet down to local government, including the part played by the ubiquitous public boards and corporations. This section includes also an account of the Scottish courts, a particularly helpful piece of information for the outsider. The third and last major division of the book comprises a discussion of the interaction between the machinery of government and some of the values inherent in a democratic society, such as freedom of speech and freedom to dispose of what one owns. Here, as throughout, the author's capacity for restrained and balanced judgment is much in evidence.

Altogether an excellent account of current constitutional law in the U.K. and of the issues it raises which are of wider import. There is of course no resemblance between the subject-matter of this book and what is more immediately thought of as constitutional law in Australia, but that is largely because in this country we have only recently begun to consider seriously the conflicts between the interests of government and the interests of the individual which are all too familiar elsewhere.

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