

great deal has been written about the weaknesses of the Bill of Rights, weaknesses confirmed by many cases presented in this book, and some general conclusions concerning these problems would have been of great value. It might be suggested that the author perceived his function as that of reporting rather than judging, but surely it is the function of an author to judge if in fact judgments are called for.

Mr. Tarnopolsky makes a determined effort to employ a comparative approach to the study of civil liberties by constant reference to the treatment of civil liberties in other political systems, despite the fact that the focal point for his study is the Canadian Bill of Rights. This aspect of the study is of great merit, for what has happened to others is very relevant to what has happened, or could happen, in Canada. In using this comparative approach the author resisted the urge that many are unable to resist, that of using comparisons to make a particular system appear in a good or bad light, depending on the intentions of the author. He used comparisons to illuminate and to examine his subject rather than to strengthen a particular point of view. For example in examining the "due process of law" clause in the Bill of Rights, he refers to British and American experience as a means to provide greater understanding of the problems surrounding such factors.

This study, in addition to being well researched, is written in a manner that allows for very easy reading. As a result it is a major contribution to the literature on civil liberties not only for the student of law but for all concerned with the problems surrounding the rights of man. It is not difficult in studies of this nature for cases to clutter up a text to the point of rendering it incomprehensible to the layman. However, Mr. Tarnopolsky presents numerous cases in such a manner that, rather than becoming burdensome, they contribute a great deal to the book.

The study on the whole is very well done and is more than worthwhile for those interested in civil liberties. It complements an earlier work by D. A. Schmeiser and should make the study of civil liberties in Canada a much less arduous endeavor.

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THE RULE OF LAW AND HUMAN RIGHTS: PRINCIPLES AND DEFINITIONS. The International Commission of Jurists. 1966. Geneva viii, 83 pp.

The International Commission of Jurists is a non-governmental, non-political organization drawing its support from judges, lawyers and law teachers. The Commission is "dedicated to the support and advancement of those principles of justice which constitute the basis of the Rule of Law." It draws support from members of the bars of more than 100 countries where freedom of speech and the dignity of the individual are recognized, if not always wholly protected. The Commission was established shortly following the conclusion of the Second World War as apprehensions increased in legal circles over the progressive denial in a number of countries of fundamental human rights.

It has been the belief of the Commission (and it would be improper not to remind readers of a Canadian Journal that the Commission's first president was Joseph T. Thorson, then President of the Exchequer Court of Canada) that, with the organized support of lawyers around the world, it could advance respect for fundamental freedoms and the recognition of the civil and political rights of the individual.

The Commission has contended from the outset that the term "Rule of Law" stands for a universally applicable set of principles, reflected in a respect for the individual and an abhorrence of arbitrary rule without effective checks and controls. In the words of a former secretary general of the Commission, Jean-Flavien Lalive: "Its applicability is therefore not limited to a specific legal system, form of government, economic order or cultural tradition, as long as the State is subject to law and the individual assured of respect for his rights and of means for their enforcement."

If there is any fault in all of this, it is on the ground, in this reviewer's opinion, that the "Rule of Law" has no magic about it and cannot by itself solve the manifold problems of mankind. Louis Henkin said it most bluntly: "The Rule of Law is an ideal state of health not a prescription for achieving it".

The work of the Commission is nevertheless most praiseworthy and includes the publication of a semi-annual "Journal", a monthly "Bulletin", periodic reports bearing on the legal systems of specific countries such as Cuba, Spain, or Tibet, and the sponsorship of large regional international conferences. These latter have produced a number of declarations with regard to human rights.

Heretofore a worker in these fields has been required to improvise his own cross-reference system to these several declarations in order to deal with them. The publication of this valuable little reference manual eliminates this problem. It has extracted from the conferences held in Athens, Bangkok, New Delhi, Lagos, Rio De Janeiro, and Colombo the "principles of the Rule of Law" and has set them forth in a usable form. The principles are dealt with under a number of headings which consider the roles, respectively, of the legislature, the executive, the criminal process, the judiciary, the legal profession, legal education, economic and social development, etc.

An absolutely invaluable table lists the number of generally recognized civil rights and then indexes their treatment in a variety of international conventions and in the Universal Declaration of Human Rights.

This little handbook is evidence of the work of the International Commission of Jurists and of the support it deserves from all lawyers who know better than most that mere formal observance of rights is not sufficient. As Anatole France once commented, "the majestic equality of Law that forbids rich and poor alike to steal bread and sleep under the bridges."

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