

took a project at the University of Washington to determine by sampling how complete the United Nations Treaty Series is. One of the countries used as a sample was Canada and his article is a report on the comparison between the treaties disclosed by the U.N.T.S. as involving Canada and the treaties actually entered into by Canada as disclosed by the Canadian Department of External Affairs. This report, complete with tables, has no doubt been examined carefully by both the United Nations Secretariat and the Canadian Government. For the reader it provides one sobering reminder: we cannot presume that even matters which require only such technical compliance as registration of treaties are in fact being carried out by the members of the U.N.

In the notes and comments Mr. P. Dai provides a concise summary of the set-up of the International Commission for Supervision and Control in Vietnam and then examines Canada's role on the Commission and her official attitude toward the problems in South-east Asia. Professor J. P. S. McLaren's analysis of "The Dominican Crisis: An Inter-American Dilemma" is a treat for the reader. By outlining in broad terms the course of events in the Dominican Crisis and relating these to the actions of the O.A.S. he neatly brings to the fore the primary political problems facing the O.A.S. and the whole Inter-American system.

Little needs to be said of Mr. G. F. Fitzgerald's note entitled "Liability Rules in the International Carriage of Passengers by Air and the Notice of Denunciation of the Warsaw Convention by the United States of America." As one might expect from this writer, who is Senior Legal Officer for I.C.A.O., the pertinent facts are all set out, the arguments fairly put for all sides, and possible outcomes of the problems examined.

Professor H. J. Lawford and Mr. A. E. Gotlieb have done yeomens' service in gathering and editing material indicating Canadian Practice in International Law, the former for 1964 and the latter for 1965. Professor Lawford limits himself to Public statements whereas Mr. Gotlieb makes use of both Public Correspondence and Statements of the Department of External Affairs.

The Yearbook also contains a brief resumé of the proceedings of "The First Annual Scientific Meeting of the International Law Association (Canadian Branch) and eight book reviews.

It is a pleasure to read a collection of articles dealing from a Canadian point of view with items of current interest on the international scene that, even though much of the subject matter is necessarily technical, any interested observer will find this volume a worthwhile investment.

—HARRY R. JOHNSON*

* Member of the Alberta Bar.

THE CANADIAN BILL OF RIGHTS. By W. S. Tarnopolsky. Toronto: The Carswell Co., Ltd. 1966. \$10.25.

It is not a simple thing to explain why so few systematic studies have been conducted in the area of civil liberties in Canada, but fortunately W. S. Tarnopolsky's *The Canadian Bills of Rights* helps fill this

rather strange hiatus. The author offers a possible explanation for this lack of scholarly concern when he points out that no one exhibited much interest in the entire subject of civil liberties prior to 1939. It is hardly surprising, then, that academic lawyers and political scientists reflected this apparent lack of concern. What does seem surprising is the rather great length of time which elapsed since the legal profession and active politicians expressed concern for civil liberties and the paucity of research conducted by academicians.

In studying the Bill of Rights six years after its effectuation, the author has examined the legislation with reference to a number of problems. He concerns himself with the controversy which has existed between those who favour a more traditional approach along British lines and those who maintain that a Bill of Rights is more effective. Involved in this matter is the problem of entrenchment, which the author deals with from a number of points of view. The author examines civil liberties with references to federal-provincial relations and the concept of parliamentary sovereignty, and then goes on to examine the Bill of Rights more intensely with reference to the various types of civil liberties he specifies.

The typology offered by Mr. Tarnopolsky is an interesting one, due to the unusual way he has classified the various aspects of civil liberties. Instead of using the more general classification of civil liberties into substantive and procedural, he classifies them as political, economic, legal and egalitarian and, as a result, provides a more comprehensive examination of the subject. For example, he deals with political civil liberties as they relate to the distribution of legislative authority with the intention of determining whether it is an area of primary authority of the provincial or federal government. This is followed by an examination of the Bill of Rights to determine whether or not it affords protection of these liberties, given the distribution of legislative authority. When one takes into consideration the distribution of legislative authority and the measures taken by the courts to provide protection for civil liberties, the author's method of examining them is perhaps the most profitable way possible to deal with this subject as it obtains in Canada. With the entire plethora of civil liberties being so inextricably involved in the problem of which level of government has legislative authority in what areas, there is a definite need for such an extensive specification of the classes of civil liberties.

By reviewing federal and provincial cases concerning civil liberties the author illustrates the treatment of the various aspects of the Bill of Rights by the courts. The results of these cases clearly demonstrate the problems associated with the legislation, and he has done an excellent job of revealing these difficulties; however, it is here that one of the few weaknesses of the study presents itself. In reviewing the various cases the author fails to offer any judgment concerning the value of the legislation. He has produced a great deal of empirical evidence which strongly suggests that the Bill of Rights has been less than adequate in the protection of civil liberties, but he fails to say so explicitly. It may be argued by some that it is premature at this time to offer any judgments concerning the legislation, but one gets the impression that the study is incomplete because no explicit conclusions are provided. A

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.

—OREST M. KRUHLAK*

* Department of Political Science, The University of Alberta.

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.