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Book Reviews

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BOOK REVIEWS


This is an interesting and valuable small book. It consists of seven separate addresses and an appendix. The first one describes the San Francisco conference, its setting, personnel, and some of the details of the Charter.

Respecting the court organization, the author observes:

a. The International Court of Justice should be supplemented by a whole system of inferior courts which might be set up through members of the highest court, each riding on circuit and sitting for the original hearing of cases with inferior judges; or the world might be divided into regions for judicial administration, each containing one or more permanent courts; or an international circuit court in each national capital. He observes that many complaints have lain for generations without settlement, giving rise to friction. The prompt hearing of disputes is essential to world peace. "There are claims reposing in our State Department and in Foreign Offices of other nations which have languished there for generations." Of course in all cases there would be an appeal to the higher court.

b. The jurisdiction of the courts over disputes should be obligatory. This is one of the greatest weaknesses of the Charter. Further, to permit these disputes to be considered by the Security Council rather than the Court, is to approximate the procedure of our own Articles of Confederation by which the disputes among states were placed in the lap of the Congress. This plan did not work at all and proved to be one of the greatest weaknesses of the Articles of Confederation.

c. No national should sit upon the court when a dispute of his own nation is being considered.

d. There is lacking a bill of rights both for individual persons and for the individual component nations. This also seems to be important. When a nation enters the family union it should know definitely what it gives up and the restrictions thereafter upon its activity. This lack was undoubtedly one of the important elements relied upon by the opponents of the League of Nations.

As for advisory opinions, the editor notes some objections by lawyers, but on the whole thinks the power to give them should be allowed.

In the appendix inter alia are a group of six postulates, ten principles, and twenty-three proposals. One suggested principle, for example, declares that "Each state has a legal duty to refrain from
intervention in the internal affairs of any other state." One supposes that it would be difficult to define "intervention" and apply the principle. In Proposal I it is suggested that the community of states should be organized on a universal basis. All states should be included and "no provision should be made for the expulsion or withdrawal of any state." Presumably Mr. Peaslee believes that the organization to be effected should be indissoluble.

The author points out that we can afford to experiment. No danger arising from experimenting with a world organization can possibly equal that of a risk of another world war.

This is a mere sampling of the contents, and the book ought to be read.