

JUDICIAL PROTECTION AGAINST THE EXECUTIVE. By Herman Mosler (ed.). Cologne: Carl Heymanns Verlag; Dobbs Ferry, N.Y.: Oceana. Val. 1, 1969. Pp. xliii and 633., Vol. 2, 1970. Pp. xi and 635-1258. \$20 per vol.

As a contribution to Human Rights Year, the Max Planck Institute for Comparative Public Law and International Law at Heidelberg organized a colloquium in 1968 on *Judicial Protection of the Individual against the Executive*. The two volumes here noticed comprise the texts of the 31 national reports that were submitted, together with papers on the position under the European Communities and international organizations. A third volume, still to be issued, will comprise papers on comparative and international law.

It is perhaps not unreasonable to expect that people working in the field of comparative law will be acquainted with more than their national language, and English, French and German are used freely in these two volumes. The third volume, which is the one that might be likely to appeal most to bi- or trilingual readers, will in fact be printed in two versions only, English and German. It is here that a criticism may be lodged. Even with the growth of the European movement—and the scope of the papers extends far beyond that—it might have been helpful to print at least a summary of any one paper in the other two languages. This might have been more useful than printing the editor's introduction at length in each of the languages, or for that matter the questionnaire to which each paper aims to provide an answer.

The papers are directed to providing a survey of the development of judicial protection against the executive; organs and conduct subject to judicial protection; the institutions which grant judicial protection; fundamental guarantees *re* judicial protection; proceedings against 'individuals acts' of the executive; proceedings against executive rules and regulations; guarantees of judicial protection; and the role of judicial protection of the individual against the executive within the legal protection system. In addition to providing a survey based on this framework, each paper provides a short bibliography. There are, however, one or two strange omissions. Professor Bradley's bibliography on Great Britain makes no reference to Hewart's *New Despotism* nor Keeton's writings within this field. It is true, the one may be dated and the others somewhat general, but they are still nevertheless of interest. Likewise it is a little surprising to find that Professor Mundell's paper on Canada carries no bibliography. There is a statement that no specific text exists on administrative law in Canada, although some articles dealing with particular problems exist. Unlike most of the other bibliographers, no reference is made to any of these articles, and the reader is told that 'the most complete general survey of Canadian Administrative Law available is the Report of the Royal Commission, "Inquiry Into Civil Rights" made by the Honourable J. C. McRuer published in 1968, by the Queen's Printer for the Province of Ontario . . . . A digest of the reports of the cases decided by the Canadian courts on Administrative Law is contained in the Canadian Abridgement, 2nd edition, volume 1, under the title "Administrative Law" and other related titles'. This must be the first time that a digest has been cited for research purposes in this way, and it is submitted that the titles of one or two articles or a reference to Laskin might have been more useful to most readers than a provincial government white paper.

In addition to the papers that one might have expected to find on European and Commonwealth countries as well as the United States, there are papers on Colombia and Mexico, as well as Czechoslovakia, Hungary, Rumania and Yugoslavia. This means that the scholar is really able to examine the problem considered by the colloquium on a fairly wide comparative basis, bearing in mind the significance of this in the light of Article 38 of the Statute of the World Court which makes clear that 'the general principles of law recognized by civilised nations constitute one of the sources of international law. It will not be until the third volume with its specialist studies from the comparative and international point of view is available that we will be able to conclude whether present-day international law recognises an obligation to provide *Judicial Protection Against the Executive*. It will also then be possible to ascertain how many other writers agree with Professor Christensen of Denmark in including the Ombudsman in a paper on this subject. Professor Sawyer does, regarding him as a means of judicial protection, while Professor Bradley mentions the Parliamentary Commissioner for Administration when he considers the role of judicial protection. No one reading Professor Mundell's paper, however, would realise that such an institution exists anywhere in Canada.

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**PROBLEMES DE PROTECTION INTERNATIONALE DES DROITS DE L'HOMME: RENE CASSIN.** *Amicorum Discipulorumque Liber.* Compiled by Karel Vasek. 1969. Paris. Pp. x and 482.

To mark his eightieth birthday, and contemporaneously with his winning the Nobel Peace Prize, a number of the friends, pupils and disciples of René Cassin, the grand old man in the struggle for the legal recognition of the rights of man, decided to publish a *festschrift* in his honour. *Problèmes de Protection Internationale des Droits de l'Homme* consists of a number of tributes to the man and acknowledgements of his work, together with papers in English, French and German devoted to different aspects of the problem of the recognition of human rights, the emphasis in every case being upon their legal protection.

From the point of view of the Canadian reader the most interesting paper is that by Batshaw J. of the Quebec Superior Court who provides a short report on the Canadian scene. He contends that Canadian experience shows that while legislation by itself cannot eradicate prejudice it can contribute to the establishment of a standard of conduct to be achieved, and help the citizen both to become aware of his rights and to enforce them. Despite arguments that one hears about prejudice against Indians, Eskimos, Metis or the French, Batshaw J. states that since legislation has been adopted there has been a recession in the incidence of discrimination, and uses as proof the fate of a Jewish applicant for an employment vacancy in 1948 as compared with a similar case in 1969. Of a more realistic character perhaps, is his contention that education must be accompanied by research into the reasons for discrimination, while any enforcement authority must have a proper permanent staff,