

construction of his opinions anything approaching the Realist demands for a fundamentally new approach to the making of decisions.

The final part of Dr. Levy's book is mainly concerned with some modern philosophical analyses of the judicial process with a special concentration upon its creative aspects. He presents a critical summary of a number of recent developments in this area of interest which was of particular concern to Cardozo, and he succeeds in stimulating interest in a vital field jurisprudence. In this context, modern positivism receives some attention in a highly critical review of Richard Wasserstrom's book "The Judicial Decision."<sup>7</sup> It seems regrettable however that "the current reversion to the age-old interest in rules"<sup>8</sup> is so readily dismissed for fruitful analysis. It is even more surprising to see the total rejection of a rule-oriented approach to law without so much as a footnote reference to Professor Hart's contributions. In addition, the omission of any reference to the value-oriented jurisprudence of McDougal and Lasswell in this section seems unfortunate. Not only do McDougal and Lasswell offer an exciting development of Legal Realism, but they also address themselves to the problem which Dr. Levy sees as vital—the "engagement with the democratic ideals of which our legal system in the last analysis is an instrumentality."<sup>9</sup>

In summary, it may be said that the main criticism offered of Dr. Levy's book is one of emphasis. Within the restricted context of the non-routine case, this study of Cardozo is stimulating and does pose challenging questions. It is suggested however that such a narrow focus tends to distort Cardozo's conception of the judicial decision-making process as a whole.

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<sup>7</sup> R. Wasserstrom, *The Judicial Decision* (1961).

<sup>8</sup> *Id.*, at 337.

<sup>9</sup> *Id.*, at 359.

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THE WORLD BEYOND THE CHARTER. By C. W. Jenks. London: George Allen & Unwin Ltd. 1969. Pp. 199.

"The volume makes no claim to be a work of careful research or elaborate scholarship. It represents the reflections of one who has lived through, rather than the findings of one who has studied, the developments which it describes."<sup>1</sup> This humble preface is not quite accurate. The author is one who has studied the developments which it describes. As appears on the frontispiece, his list of works on international organization ranks among the longest—*The Common Law of Mankind* (1958), *Law in the World Community* (1967), a series on the Law of International Institutions (*The Prospects of International Adjudication* (1964), *International Immunities* (1961), *The Proper Law of International Organizations* (1962), *The Headquarters of International Institutions* (1945), *Human Rights and International Labor Standards* (1960), *The International Protection of Trade Union Freedom* (1957), *Space Law* (1965). Nor does the book really stand as a series of reflections. The

<sup>1</sup> Preface, at 17.

footnote documentation takes it out of this category. Perhaps it is fairer to say that the volume is a brief examination of the critical elements of world organization during four periods by one who has lived through, studied, and helped to shape the developments which it describes.

The four periods of study are the World Before the Covenant, the World of the Covenant, the World of the Charter, and the World Beyond the Charter. Written with "a passionate belief in the need for and possibility of effective world organization", in a point-form and very readable fashion, the book ties together the experience and thoughts of the author.

But this work is unsatisfying. The last chapter, *The World Beyond the Charter*, is really the heart of the book. We approach it hoping to find some definite ideas on where and how we should go from here. Instead of this, we are told what is needed but are given very little on how we should achieve it. Well, we know what is needed by now. We don't need a man of Jenks' calibre to tell us that we should revere God, Mother and Apple Pie. Time and again in this last chapter he emphasizes that he is talking on a plane of generality. This is not good enough. We are filled to the teeth with generalities. From one who has lived through and studied these developments, we can expect some certain guides to the means of achieving these obviously desired goals.

In the result, the book's real value lies in its analysis of the World Before the Covenant, the World of the Covenant and the World of the Charter. By and large, we already know what Jenks tells us of the World Beyond the Charter. But his analysis of the past and present stages of world organization may contribute to the development of those very necessary and urgent future steps.

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