

NAISSANCE ET SIGNIFICATION DE LA DECLARATION DES DROITS DE L'HOMME. By Albert Verdroot. [Louvain: Editions Nauwelaerts. 1964. xiv + 356 pp. no price stated.]

PROTECTION OF HUMAN RIGHTS UNDER THE LAW. By Gaius Ezejiakor. [London: Butterworths. 1964. xix + 292 pp. 55s.]

FIRST AMENDMENT FREEDOMS. By Milton R. Konvitz. [Ithaca: Cornell University Press. 1963. xvi + 933 pp. U.S. \$9.75.]

Since the adoption of the Universal Declaration of Human Rights a veritable mountain of literature on the subject has been published. The works involved may be grouped into three distinct types. First, there are those which deal with the background and the origin of the Declaration. Then, there are the monographs which are more symptomatic of idealism than of law, although some of the proposals *de lege ferenda* are beginning to be accepted as practical politics. Finally, and most important, there are those which deal with human rights as they are in both municipal and international law.

Dr. Verdroot's work falls into the first category and constitutes one of the most detailed accounts of the drafting and adoption of the Declaration, article by article and vote by vote. Dr. Verdroot does not assert that the Declaration is a binding exposition of the law, but (as the Preamble itself points out) an ideal of universal behaviour. He points out, however, that the true legal worth of the Declaration does not lie in its form or its name, but in the extent to which the nations adopting it are prepared to give it value. In any case, the Declaration possesses a moral value which is enhanced politically by the fact that the General Assembly is regarded as the mouthpiece of public opinion. He also emphasises that later Resolutions of the General Assembly base themselves upon the Declaration, as do the European Convention and some pieces of national legislation. The reviewer, however, cannot ignore the realities that are to be found within a number of member States and the reports, which frequently indicate a somewhat peculiar understanding of the promotion of human rights, to be found in the *Yearbooks on Human Rights* published under the auspices of the United Nations.

The other two books under review are more concerned with human rights in legal practice. Dr. Ezejiakor deals with the problem from both the international and the municipal point of view, although the second part of his study is confined to Commonwealth countries. In so far as the latter are concerned, the learned author examines the problem in the 'old' and the 'new' Commonwealth, but Malaya and Singapore do not figure under either rubric. It is also perhaps a pity that his comments upon a Commonwealth Court of Human Rights appear under the section on international rather than Commonwealth law. Although he seems to sympathise with the idea of such a tribunal, Dr. Ezejiakor doubts whether 'most Commonwealth countries would countenance a new supra-national institution which would in a sense derogate from their newly won and jealously guarded sovereignty.' He also doubts whether the United Kingdom would be willing to give such a court jurisdiction over the remaining dependent territories, 'since to accede to this would mean leaving herself open to the embarrassment of having a flood of petitions against her.' He is probably correct in this prognosis in view of Britain's attitude to the European Court. Despite the doubts that may be felt by others, Dr. Ezejiakor tends to believe that the prospects for success of an African Court of Human Rights may be brighter.

Perhaps the most reasonable statement to be found anywhere on human rights exists in the closing words of the *Protection of Human Rights under the Law*. 'One cannot safely attempt a general prediction of the future of human rights in all countries. ... It is only fair to say that in some of the countries their prospects are decidedly gloomy, whilst in others they seem bright, but it must be some time before a definite assessment can be made with any confidence.'

A country to which this statement may be easily applied is the United States. The recent adoption of the Bill of [Negro] Rights, coupled with the demonstrations at Selma and revulsion at the activities of certain southern politicians and law-enforcement officers, lend support to the view that the future of human rights in the United States is bright, 'but it must be some time before a definite assessment can be made with any confidence.' Professor Konvitz has for many years been an ardent expositor of the reality of human rights under the United States Constitution and in the light of its judicial practice. *First Amendment Freedoms* is a casebook of some of the leading judgments on freedom of religion, speech, press and assembly. Recent events may well lead him to bring out a new and expanded edition before many years have past. If he does, perhaps he will consider the inclusion of such decisions as *Gitlow v. New York*, *Chamberlain v. Dade County* and *Shapiro v. Dorin*.