

RIGHTS IN AIR SPACE. By David Johnson. [Manchester: Manchester University Press; Dobbs Ferry: Oceana. 1965. viii + 129 pp. 21s.; \$4.50].

Professor Johnson's *Rights in Air Space* consists of the text of the Melland Schill Lectures delivered by him in the University of Manchester in 1965.

While in his first lecture Professor Johnson dealt with the development of aviation and the beginnings of air law, and then considered the period from 1903 to 1914, before examining the impact of the First World War and the Hague Rules of 1923, it is the last two lectures on the Second World War and contemporary problems that are most interesting.

During the early months of the Second World War it was British policy to use the air arm only on military objectives and to avoid any indiscriminate action. It was not until December 1940 that the War Cabinet authorised the first raid, that on Mannheim, whose aim was to concentrate damage on a city centre. But this was

rather a retaliation for the raids on Coventry and Southampton than the beginning of a new policy (pp. 47-8). From July, 1941 however, civilian morale became one of the objectives of British air attack, and this culminated in the Casablanca Directive of 1943 instructing the British and American air commands that one of their primary objects was "the undermining of the morale of the German people to a point where their capacity for armed resistance is fatally weakened" (p. 49). There was at the time much debate and criticism as to the borderline between area, strategic and terror bombing, while many felt that there was no law with regard to aerial warfare. Professor Johnson, however, suggests that these critics have ignored the fact that rules of international law are often to be found elsewhere than in treaties (p. 54), and that the larger part of international law is in fact customary. Furthermore, the very practices of the commanders during the Second World War themselves contributed to the development of such rules.

Professor Johnson finds himself agreeing with Professor Schwarzenberger that it is difficult to say that aerial bombing, even though near-total, is incompatible with the current law of war. He concludes "that modern international law permits 'strategic' and, of course, 'tactical' bombing in times of war, but forbids 'terror-bombing'" (p. 57). He offers, however, no clue as to who is to determine the borderline and how.

In his last lecture Professor Johnson considered some of the problems concerning civil aviation under the Chicago Convention, drawing attention to the interplay of air space and outer space (pp. 60-1) and the significance of 'Bermuda-type' agreements, and went on to the problems of trespass in air space and crimes on board aircraft.

This little book may be recommended as an example of the way in which a number of interesting and complex problems may be reduced to manageable size and yet preserve an interesting style.