

be read with equal enjoyment and interest by both the novice law student and the experienced lawyer. The format and printing is up to the usual high standards of the Oxford University Press. Only one misprint was noticed, on page 69, line 30, where 'heals' should read 'deals'.

J. D. FELTHAM*

The International Law of the Sea, by C. JOHN COLOMBOS, 5th ed. (Longmans, Green & Co. Ltd, London, 1962), pp. i-xix, 1-836. Australian price £4 15s.

After less than three years *Colombos* has now come out in a new edition. This is the fifth edition in less than 20 years, an achievement which shows the favourable reception which this standard British text book on the Law of the Sea has gained. Its success has not been restricted to the English-speaking community, for within the last 10 years it has been translated into French, Italian, Russian, Spanish, German, Portuguese and Greek. Among the matters which the learned author has incorporated into his new edition the Geneva Conferences on the Law of the Sea deserve particular mention. Of special value also are the details of the new British fisheries agreements with Norway (1960) and Iceland (1961).

In some regard the book shows the difficulty experienced by a successful text book in a field where there has been much legal development. How much of the historical background of a rule should be preserved? If the survival of an old rule is doubtful, is it worthwhile to continue giving it detailed treatment? To what extent should a learned author deal with novel claims affecting recognized rules? For the reviewer, the learned author could reduce the number of references to state practices where one of the 1958 Geneva Law of the Sea Conventions has led to the acceptance of a new rule. Generally, the learned author's treatment of the achievements of the 1958 Conference does not appear to do full justice to them. Satisfaction over the defeat even of the British compromise formulae of a 6-mile belt of territorial waters at the Conference (page 98) does not appear to take into account the present, most doubtful position of coastal waters outside the three-mile limit.

For Australia the adoption of the Continental Shelf Convention was of course of greatest importance. The extension of the outer limit to 'where the depth of suprajacent waters admits of the exploitation of the natural resources of the said areas' may raise doubts because of its vagueness. However, in the reviewer's opinion it is a valuable attempt to forestall rapid improvements in fishing and drilling techniques. The learned author deals fully with Australian State and Commonwealth legislation on pearl fisheries and the continental shelf, and also Australia's dispute with Japan (pages 372-374). It might be added that Japan declared at the time that it would submit the dispute to the International Court of Justice. Australia then made its acceptance of the Court's jurisdiction subject to the existence of a *modus vivendi* (or, should it be '*modus piscendi*'?). The learned author refers to this step in another context (page 781), but does not indicate what finally prevented the dispute from being brought before the International Court of Justice.

Archipelagos are ably dealt with. The Ecuadorian claim to the Galapagos islands on an archipelago basis is rejected by reference to the

* M.A. (Oxon.), B.A.; Barrister-at-Law; Senior Lecturer in Law in the University of Melbourne.

United States protest (page 111). However, the less rigid attitude taken by the International Law Commission might also be mentioned. The Indonesian and Philippine archipelago claims are not referred to even in a footnote. In the reviewer's opinion a succinct statement of these claims and the reasons for their rejection would increase the usefulness of the book.

For a future edition, a few minor mistakes call for correction: in the list of countries which are parties to the Antarctic Treaty, France is left out (page 119, note 4). In dealing with the *Santa Maria*, it is said that it involved a political action solely directed 'against Captain Galvao's Government' (page 404). Among countries which are recognized as permanently neutralized, Finland normally would not qualify (page 588). References to quotations from or references to German materials require checking (for example, pages 190, 222, 760, 761).

These few points of criticism are tendered in appreciation of the general reliability of this new edition of *The International Law of the Sea*.

J. LEYSER*

Criminal Law: Problems for decision in the promulgation, invocation and administration of a law of crimes, by PROFESSORS RICHARD C. DONNELLY, Yale University, JOSEPH GOLDSTEIN, Yale University, and RICHARD D. SCHWARTZ, Northwestern University (The Free Press of Glencoe Inc., New York, 1962), pp. i-xxvi, 1-1169. Australian price not stated.

This is a book of cases and materials designed to make law students aware of the problems that arise at the various stages of what may loosely be called 'the criminal process'. Most teachers of criminal law traditionally concentrate on analysis of the various crimes and the defences thereto, with the object of training the future lawyer to be able to produce the 'right answer' to a 'case'. Not so the authors of this book. They believe that the lawyer should appreciate the factors involved in deciding to label a specific type of activity as a crime, in deciding whether or not to prosecute a specific alleged wrongdoer, in deciding guilt or innocence in a specific case, and in deciding what to do with the convicted offender. For the task of making him aware of these factors, they say, 'we have found appellate court decisions alone inadequate and, therefore, have drawn upon legislative committee hearings and reports, trial transcripts, probation and pre-sentence reports, prison classification records, parole and pardon files and reports. These documents—source products and products of decisionmakers—are supplemented by materials from the behavioral sciences and other disciplines concerned with human behavior'.

The authors have undoubtedly succeeded in carrying out their purpose, and the result is this beautifully-produced, massive volume, for the appearance of which the publishers deserve congratulation. Whether one would wish to put it into the hands of young law students is a matter on which I have some doubts. I believe in the case method of teaching *law* to law students. But I question whether handing law students a great deal of material from other disciplines is desirable, unless one accompanies it with criticism and comment.

This is not, however, a matter which concerns Australian readers. They can make a different use of the book. It undoubtedly presents many facets of 'the criminal process' which are all-too-often overlooked by

*D. Jur. (Freiburg), LL.B. (Melb.); Barrister and Solicitor; Reader in International and Comparative Law in the University of Melbourne.