

## BOOK REVIEWS

INTERNATIONAL CRIMINAL LAW. Edited by Gerhard O. W. Mueller and Edward M. Wise. South Hackensack, N.J.: Fred B. Rothman & Co. London: Sweet & Maxwell. 1965 pp. xvi, 660. \$20.00.

The concise title of this volume suggested a comprehensive treatment of a subject that is of rapidly increasing significance for international lawyers in so far as concerning the borderline between municipal and international jurisdiction as to crimes against humanity in the broadest sense. I must confess my keen disappointment, on opening the book, to discover that it was a loosely organized and substantially unedited collection of essays, most of which have already been published and are readily available in the normal university library. There is a snippet here on the *Santa Maria* case and the law of Piracy; a totally inadequate survey of the Nuremberg Trials; a somewhat longer account of the *Eichmann* case; and so on. The fault is not of the various authors who agreed to the inclusion of their essays in this volume, nor even perhaps of the overall editors. Perhaps we should blame that folklore in American law schools that, rightly or wrongly, seems to regard the largesse of the major foundations as requiring so many hard-cover books per year for each grant. A good treatise in this area might have helped the Canadian Minister of Defence, for example, answer as to the appropriate jurisdiction and also as to the appropriate body of substantive law, to apply in the case of the current Canadian, West German, and Dutch *cause célèbre* — the executions on May 13, 1945, of the two young German sailors, Dorfer and Beck, by other German soldiers nine days after the allied abolition of the jurisdiction of all German military courts and five days after Germany's unconditional surrender in Europe, at a time when both the executed and also the executioners were all prisoners-of-war in the custody of the Canadian army in Holland. That the German executioners, in acting without any colour of legal jurisdiction, committed a war crime and also a crime against humanity is undoubted. It is as to the next legal steps — adjectival and substantive — that the uncertainty arises, and this is why the need is great for a definitive treatise in this general area of law.

EDWARD MCWHINNEY \*

---

\* Professor of Law, Faculty of Law; Director, Institute of Air and Space Law; McGill University.