duties of the Transport Commission and the Executives are admirably summarised. A few points are noted. Does a private carrier possess any lien at all, apart from agreement[1] ? It is often assumed that he has, but the cases afford little definite authority. The case of *Singer Manufacturing Co. v. L.S.W. Rly. Co.*[2], is cited without comment, although Leslie[3] suggests that the Court proceeded on a wholly wrong principle. The problem of the duty owed to visitors to railway property is competently and concisely handled.

G.W.P.

1. At p. 245.
2. [1894] 1 Q.B. 833.
3. *Law of Transport by Railway*, at pp. 683-4.

The Law of the United Nations, by HANS KELSEN, Professor of Political Science at the University of California (Berkeley). London. Stevens & Sons Ltd. 1950. pp. xvii, 903.

This book is claimed to be a juristic—not a political—approach to the problems of the United Nations. " It deals with the law of the Organisation, not with its actual or desired role in the international play of powers." The author does not deny the importance of the political aspect but emphasises that it is important to improve, as far as possible, the law established to serve the purposes of the United Nations. This self-denying ordinance, however, results in some of the discussion becoming rather too sterile, but it has the pleasing result that the treatment of the author is entirely objective. Professor Kelsen has had experience in the drafting of the Austrian constitution and with the keen scalpel of the analyst he lays bare the confusions of terminology and the vagueness of the language in which the Charter and the Rules of Procedure are framed. Thus the term *United Nations* is used in many senses. Sometimes the United Nations is regarded as a corporate personality : sometimes its organs are stated to be organs of the individual members. If we consider the Charter as a legal document, one can only wonder how it came to be passed in its present form : if we consider it as a political compromise, we can only admire the success of getting anything accepted at all in that galaxy of experts. Consistency in the use of language can be achieved only if one draftsman has a controlling interest and if the purposes to be secured are agreed. Professor Kelsen perhaps underestimates the political advantage of occasionally inserting in a Charter a few pearls of rhetoric which have no precise meaning or legal result—but after all the Charter is partly a manifesto as well as a Constitution. That this causes technical difficulties of interpretation is clear.

The book is undoubtedly a mine of information. If there is ever a move to amend the Charter, it would prove an invaluable guide, but we suspect that the only reforms in which the nations will be interested will be those of political importance rather than those based on *elegantia iuris*. The effect of the substantial criticisms made would have been greater if many of the " niggling " points had been omitted.

The author discusses the problem of the effect of absence or abstention from voting of a permanent member of the Security Council. The Article is ambiguous : " including the concurring votes of the permanent members." Taken literally, absence or abstention is not a concurring vote, but the practice has been not to treat an abstention as a negative vote. The dispute over the decision concerning Korea shows that this Article badly needs re-drafting. In discussing the veto power, the author rightly remarks : " There is an open contradiction between the political ideology of the United Nations and its legal constitution. And this contradiction may completely paralyse the great advantage that the Charter tried to gain over the Covenant by conferring upon the Security Council a power almost equal to that of a government[1]."

In dealing with the provision that only States can be parties in cases before the International Court of Justice, Kelsen remarks " If the establishment of individual responsibility for violations of international law is considered to be one of the most necessary improvements of the still primitive technique of collective responsibility in international law, then Article 34 . . . of the Statute cannot be considered as a satisfactory achievement . . . [2]" Much skill is shown in the analysis of the sources of international law laid down in Article 38. It would have been simpler and clearer to say that the Court is to apply existing international law unless the contesting parties agree that the case shall be decided *ex aequo et bono*. If any party to a case fails to perform the obligations arising out of a judgment, the other party may have recourse to the Security Council which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment." Kelsen interprets this to mean that the Security Council may make any recommendation it wishes or try to give effect to the decision of the Court. This interpretation has the result that the Court would decide the law and the Security Council the politics. Kelsen doubts whether this was intended by those at San Francisco[3]. The author considers that the Charter, correctly interpreted, does not give the right to a Member to withdraw from U.N.

The author has studiously covered all the relevant documents. The footnotes contain the relevant excerpts not only from proceedings at San Francisco, or of the United Nations, but also of U.S. Senate hearings.

The book is excellently printed and bound. The publishers and the London Institute of World affairs (under the capable hands of Professor Keeton and Dr. Schwarzenberger) are to be congratulated on producing a handsome volume.

G.W.P.

1. At p. 277.
2. At p. 484.
3. At p. 540.