

In Memoriam

Sir Kenneth Bailey

SIR KENNETH BAILEY, who died in Australia recently, will be remembered by the Canadian international lawyers with whom he came into contact during his extended period in the 1960's as Australian High Commissioner to Canada.

As a young man, Sir Kenneth was Professor of Law and Dean of the Faculty of Law at the University of Melbourne. Dr. Herbert V. Evatt, the Deputy Prime Minister, Attorney-General, and Foreign Minister in the wartime Labour government (later United Nations General Assembly President), called him to Canberra to serve as Solicitor-General — in Australia a civil service post. When Dr. Evatt came to San Francisco for the founding conference of the new United Nations organization in 1945. Sir Kenneth came with him. He thereby embarked on more than 25 years of continuous service as his country's principal representative on the United Nations Sixth (Legal) Committee and in specialised international legal conferences like the Geneva conferences on the Law of the Sea, tasks which he continued with his posting to Ottawa after his retirement from the Solicitor-Generalship.

Sir Kenneth was nominated for the World Court in the first slate of names presented for the new International Court of Justice in 1946, but, since he was the younger man, his claims were properly deferred to the other British Commonwealth candidate, Judge Read of Canada. His name was put forward again in the World Court elections of 1966, and it was confidently expected, on the basis of a thoroughly non-partisan, "professional" consensus within the United Nations family, that he would be one of the first to be chosen. This was not to be, however, for the 1966 elections were caught up in the bitter political conflict resulting from the World Court's majority decision a few months earlier in the second South-West Africa case; and Sir Kenneth became the special, and quite undeserved, target of the back-lash against his fellow countryman, Sir Percy Spender, the retiring President of the Court, who had written the majority opinion in that case.

While in Canada, Sir Kenneth took an active part in the work of the Canadian Branch of the International Law Association, in particular addressing meetings of the Toronto Section in 1965 on the special Soviet international law concept of "Peaceful Coexistence," and of the Montreal Section in 1967 on the Chicago Convention and the Freedom of the Air.

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Wolfgang Gaston Friedmann

It is appropriate for Canadian international lawyers to mark the recent death of a good friend and inspiring colleague, Wolfgang Friedmann.

It is not necessary to review the details of Wolfgang Friedmann's many contributions to the development of legal science. We know that he taught in a number of countries and greatly influenced a generation of students. My own experience as a law student in his courses on jurisprudence, comparative law and international law altered the course of my life. Clearly, his impact on many others who came into contact with his work was comparable.

Over a period of more than forty years he published a lengthy list of books and articles which demonstrated his amazing intellectual range, perception and foresight. So remarkable was his comprehension and novel insight that we could almost take it for granted when a reviewer termed one of his treatises "one of the great legal works of the present century."

He was no ivory tower academic but involved himself as an adviser to (and frequent critic of) many governments, international organizations and private groups. There is tragic irony in the circumstances of his death, since he had been a leader in the efforts to establish a satisfactory relationship between his university and the surrounding community. That casual violence should end the life of such a humane man, a dedicated champion of the disadvantaged, adds to our sorrow.