

JURISPRUDENCE

by

B. A. WORTLEY

O.B.E., LL.M. (Leeds), LL.D. (Manchester)

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and International Law in
the University of Manchester.*

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PREFACE

THIS book represents the development of ideas that have interested me since I first sat at the feet of Professor J. D. I. Hughes at the University of Leeds in 1924. Some of these ideas have a special aptness for today. First there is the recurrent manifestation of anarcho-syndicalism in industrial disputes (Chapter 1). Law reform and codification (Chapters 10, 11 and 12) are in the air, particularly since the appointment of the Law Commission. It is no longer fashionable to confine one's attention to one's own legal system (Chapters 4 to 7 deal with English sources); improved communications raise more and more problems of the conflict of laws, of foreign law and of public international law (Chapters 8 and 9). Moreover, Oecumenism is not solely an ecclesiastical phenomenon, but is characteristic of modern legal society (Chapters 2 and 3). Friendships transcend boundaries and legal systems. A healthy reaction from wartime horrors and from persecution is to be seen in the formulation of basic human rights (Chapters 13 to 18). The present Government of the United Kingdom has given a lead in accepting the European Convention on Human Rights and the procedures of Conciliation and of the Court of Human Rights at Strasbourg.

Thus, despite manifestations of violence and anarchy in our time, it may not be too optimistic to summarize the six parts of this book under the headings of

- I Law as prediction;
- II Law as order;
- III Law as rule;
- IV Law as expectation;
- V Law as a sense of value;
- and VI Law as justice.

Law is a terrestrial phenomenon, concerned with men in their social relations on this earth, but it is a phenomenon that is now penetrating into outer space, as witness the resolutions of the General Assembly of the United Nations, i.e. Resolution 1721 (XVI) of 20 December 1961 on the International Co-operation

in the Peaceful Uses of Outer Space, and Resolution 1884 (XVIII) of 17 October 1963 declaring legal principles governing the activities of States in the exploration and use of Outer Space.

Is modern society to be *‘puro e disposto a salire alle stelle’*?

I should like to express my deepest gratitude to Archibald Hunter Campbell, B.C.L., M.A., LL.M., LL.D., Regius Professor of Public Law in the University of Edinburgh and Fellow of All Souls College, Oxford, Barrister, for letting me benefit from his profound insight and learning, and to Reginald Pilkington, LL.M., Solicitor of the Supreme Court, for permitting me to run the gauntlet of his meticulous, accurate and deeply critical mind. Each has been kind enough to read all my manuscript at various stages. I owe them both more than I can say, though I alone take responsibility for the views I express and which are not yet necessarily theirs!

I am also grateful to my many friends in the University of Manchester and elsewhere who have so often saved me from falling into error. Nor must I fail to recall the many valuable discussions with my late lamented friends, Harold Cooke Gutteridge, Q.C., first Professor of Comparative Law at Cambridge, Richard O’Sullivan, Q.C. (like Gutteridge, a Bencher of Middle Temple and a man of European outlook), Sir Ivor Jennings, Q.C., Master of Trinity Hall, and his and my most delightful colleague, A. D. (Dale) Hargreaves, Professor of Law in the University of Birmingham, *‘nessun maggior dolore che ricordarsi del tempo felice . . .’*

My thanks are also due to my Secretary, Mrs Sylvia Taylor, for her arduous work in preparing my manuscript and the Table of Cases, as well as checking the French. I am deeply indebted to my colleague, the Hon. Ronald Davies, M.A., who has so kindly and efficiently checked the page proofs.

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University of Manchester.
1966.

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