

his immediate successors with the failure of lawyers at two Geneva conferences in 1958 and 1960 to agree on a single issue—the extent of territorial waters—and he asked: “Why is it that our world has strained at the Geneva gnat, while the seventeenth-century world swallowed, with gusto, the Grotian camel?”

He had several answers to his own question: the disintegration of the Church after the Reformation produced a vacuum, while the reaction to the horrors of the religious wars created “an urgent desire for something, no matter what, to mitigate the brutality and lessen the frequency of war.” As well, Grotius wrote in the universal language of Latin and was held in the highest respect by jurists. In contrast, Read argued, while we may give grudging respect to a Banting or a Penfield for his research in applied science, we treat “with distrust and even with contempt” someone who does research in jurisprudence. “To us he is an egghead. On this continent, the egghead is without honour.”

After this *cri du coeur*, Read takes on Canadian pessimists and asserts: “No country has been more deeply concerned in, or benefited so much from, international justice as Canada. For more than a century most Canadians have thought that Canadian interests were sacrificed on the altar of broader imperial diplomatic considerations in the negotiations and arbitrations which determined the Maine boundary, the Oregon dispute and the Alaskan Panhandle. But this almost universal opinion was unrealistic and without legal foundation. It was based on the assumption that Great Britain ought to have been willing to sacrifice British lives and treasure to maintain tenuous claims to what was then regarded as useless wilderness. It was based on the view that extreme Canadian claims were right....” He goes on to refer to the International Joint Commission (dealing with U.S.—Canada boundary waters) as “perhaps the oldest, and certainly the most effective, international tribunal in the world.”

Read then moves to speak about the International Court of Justice and makes a strong statement about its objectivity:

“Many deride the suggestion that an international judge would deal objectively with a matter in which his own country was interested; but they ignore the facts to make room for their prejudices. In three cases, a French judge adopted a position directly contrary to that advanced by the French Government; in three cases, a British judge went directly against the British Government’s contentions; in one case, a Soviet judge went directly against a position which had been taken by the Soviet Government at an earlier stage in the controversy; and in another case, a Canadian judge supported a conclusion which was directly opposite to the view submitted to the Court by the Canadian Government. In fact, there is neither east nor west on the Court; and, as regards objectivity, it would compare not unfavourably with the appellate courts of Canada, England or the United States.”

To illustrate the ramifications of some cases with which the Court dealt in his time, Read tells the story of the ancient dispute between Britain and France over the Minquiers and Ecrehos, small islands that are really no more than large rocks off the Normandy coast and that have been known to generations of cross-Channel sailors as “the Minkies”: