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Letter to the Editor

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Letters to the Editor-In-Chief

To the Editor-in-Chief of the Canada-United States Law Journal:

I was not provided with an opportunity to review the transcription of my remarks during the 1977 Conference of the Canadian Council on International Law, which are reported in the Summer 1978 issue of the *Canada-United States Law Journal*.

At page 70, either a *lapsus linguae* or an error in transcription, coupled with the failure of the printed text to reflect the irony in which the words were spoken, have given a quite unintended coloring to the final sentence of my remarks on page 70. The sentence should read, "While it may be true that—in the popular expression—diplomats are sent abroad to lie for their countries, the counsel and agents before the Court can be counted on to speak truthfully."

My recollection is that Senator van Roggen gave a somewhat more accurate account of the offices that I have on page 3. I am an Honorary Fellow of Jesus College, Cambridge—not of "Christ College"—and I am a Vice-President of the American Branch of the International Law Association—not of a nonexistent "American-British International Law Association."

Richard Baxter
Judge of the International
Court of Justice

In response:

Many of the materials appearing in Volume Two as well as the Inaugural Volume of the *Canada-United States Law Journal* were prepared from tape-recorded transcripts of the authors' remarks. In so doing the Editorial Board of the *Journal* recognized that written words, on their face, may appear to mean quite the opposite of what the speaker, with more than words available to communicate, may have intended.

One such example appears at page 70 of the Inaugural Volume of the *Journal*. In a discussion section dealing with the practice before the International Court of Justice, Professor R.R. Baxter said, "[I]t is true that diplomats are sent to the Court to lie for their countries; but, normally, the counsel and agents before the Court are not sent to lie." While the records and transcripts indicate that these words are correct, the Editorial Board and others who read Professor Baxter's statement uniformly interpreted his meaning in context exactly as he did, that is to say, facetiously and in humor rather than any suggestion that diplomats lie before the Court. At the time that the words were uttered Professor Baxter was using humor to make a very serious point that counsel and agents before the Court are not sent to lie.

The Editorial Board sincerely regrets any misinterpretation that may have occurred.

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