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Bid For Freedom: U.S.S.R. V. Tarasov. C.L. Sareen.

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1900. Thus, a combination of a secular philosophy and lack of scientific knowledge served as a rationalization of the Catholic doctrinal opposition to contraception.

It is Mr. Noonan's thesis that even without the Bible the Church would have opposed birth control. The very existence of the Church was threatened when the Gnostics and Manichees greatly increased their numbers with a resulting decrease in Catholic influence. The Gnostic heresy which opposed matrimony because Jesus did not marry was popular in the second century. In the fourth century the Manichean heretics proclaimed that "Procreation is the evil act of evil." (p. 111). These 2 sects opposed marriage and had a hedonistic attitude toward sex. *Contraception* explains how the clergy went outside the orthodox community and copied Stoic ideals in order to attract the multitudes. The Stoic philosophy, which allowed intercourse only for the purpose of creating children, had an immediate appeal for the Catholic Church, for it enabled the priests to differ with their heretical enemies, the Gnostics and Manichees, and at the same time increase their congregations.

Contraception will be controversial and should have a profound effect upon Catholic thinking. The materials are well documented and the author is unbiased in his presentation. The discussion of birth control is presented as a conflict within the Church. All viewpoints are examined and the issues precisely outlined. The socially-concerned person should certainly read this book, for it deals with a pressing social problem and is pertinent to both the Catholic and all other religious communities.

F. WILLIAM BURKE

BID FOR FREEDOM: U.S.S.R. v. TARASOV. C.L. Sareen. Englewood Cliffs, N.J.: Prentice Hall, Inc., 1966. 199 pp. \$3.95.

The phrase "international anarchy" is often used to describe the current status of international relations. The problem is that there is no supreme source of law in the international sphere; and in any international incident of consequence, political power rather than law decides the controversy. Recently, there has been substantial agitation by international legal authorities¹ for "depoliticization" of international disputes and increased emphasis on justice. *Bid For Freedom*, by C.L.

¹For example, 1 *The Strategy of World Order* (Falk & Mendlovitz ed. 1966); Clark & Sohn, *World Peace Through World Law* (2d ed. 1960).

Sareen, in describing the litigation resulting from a recent attempt by a Soviet national to defect, lends encouragement to the campaign for a "rule of law" to govern international relations.

Early on the morning of November 25, 1962, Vladislav Tarasov, a young Soviet naval mechanic, left his ship and slipped into the waters of Calcutta Bay to seek asylum aboard a United States merchant vessel moored nearby. The Soviet government discovered the escape almost at once and launched a recovery attempt which became an internationally publicized legal battle, matching the integrity of an independent Indian judiciary against the immense political power of the U.S.S.R.² C.L. Sareen, one of Tarasov's Indian attorneys, narrates the progression of events in the case that leads to a direct confrontation between principles of justice and international power.

On November 28, the Calcutta police took Tarasov from the United States ship, pursuant to a Soviet charge that he had stolen money before his escape. But a demand that he be turned over to the Soviet authorities was frustrated when the Calcutta magistrate, acting under a principle of international law by which each sovereign state has exclusive jurisdiction over crimes committed within its own territory,³ refused to relinquish custody of Tarasov. Subsequent attempts culminated in a Soviet demand for immediate extradition. The Indians refused to extradite except in accordance with the Indian Extradition Act of 1962,⁴ which requires that the party seeking extradition establish, to the satisfaction of an Indian magistrate, a prima facie case of the crime for which extradition is sought. On January 22, 1963, a formal hearing commenced in New Delhi, in which the Soviets attempted to establish a prima facie case.

Sareen's graphic description of the "courtroom environment" in New Delhi hardly seems to depict the appropriate setting for an international legal battle with far-reaching political repercussions:

Small, dusty and cramped, it was normally the scene of hearings for such crimes as beatings, thefts, rapes, customs violations, prohibition offenses and an infrequent murder. Except for the magistrates' bench on a raised platform and a crude wooden seat for

²This was considerable since India needed help in its border war against Red China. (p. 186.)

³It is an admitted principle of international law that a nation possesses and exercises within its own territory an absolute and exclusive jurisdiction, and that any exception to this right must be traced to the consent of the nation. *The Scooner Exchange v. M'Faddon*, 11 U.S. [7 Cranch] 478, 481 (1812).

⁴"But the principles of international law recognize no right to extradition apart from treaty." *Factor v. Laubenheimer*, 290 U.S. 276, 287 (1933).

reporters, the courtroom was barren of furniture. Butts of . . . cigarettes were scattered on the floor and the doorstep was stained red with splotches of pan spittle. Outside, ragged petty criminals squatted in the dust, and pigeons flew in and out of the unscreened windows to rest on the overhead ceiling fan, oblivious of the human activity below. (p. 56)

But, "a court is more than a courtroom" (p. 56), and on January 22, this dingy room began to fill with high-ranking diplomats, political observers, and correspondents from major newspapers all over the world.

At the hearing, the Soviet Union continued to exert maximum political pressure, but the presiding magistrate made it quite clear that the hearing would be conducted according to the principles of law, not politics. The entire incident reached its dramatic climax on March 29, 1963, when the magistrate announced a decision in favor of Tarasov before a packed courthouse of reporters, cameramen, and observers.

Narrating from personal experience, Sareen combines his legal expertise with a definite flair for dramatic writing, making this "accurate and extremely readable account of what was undoubtedly the most sensational case [in] of recent years" (p. iii) useful and interesting for both lawyer and layman. The techniques employed by Tarasov's attorneys are fascinating. For example, the use of cross-examination by J.G. Sethi, the brilliant criminal lawyer who served as Tarasov's head counsel, is an excellent example of the effectiveness of that tool when employed by an expert.

But, most important, this book carries significant implications for the future of international law and the preservation of individual freedom and dignity. On April 1, two days after the hearing, *The Statesmen of New Delhi* ran an editorial entitled "The Ways of Justice." The following excerpt, taken from that editorial, indicates the impact of the Tarasov Case in the international arena:

The assumption that a person is innocent until he is proved guilty is so fundamental to our system that it may seem incredible that a different system could exist and that people could be tried and condemned according to that system. . . . The difference obviously is not between two systems but between two ways of life. If the State becomes all-important and no limits are recognized to the demands it can make on the individual then it matters little what the demand is so long as it is made in the name of the State by a duly constituted authority. It is only where the

individual is considered to have certain inherent rights that the State's competence to curtail them in any way has to be established beyond reasonable doubt. This is accepted by most of us without question and the fact that a totally different system might collide with our own causes little concern. To the extent that it has corrected the perspective Tarasov's case should be useful, provided its implications are realized by public opinion.⁵

WILLIAM P. TEDARDS, JR.

⁵p. 185.