Perhaps, the description "double standard" betrays one's thought into regarding the practices so described as necessarily bad. At any rate it does not alert us to the need to evaluate rationales for such practices, as the description "differential treatment" might do.

A book review can scarcely offer the space required for explication and evaluation of rationales underlying differential treatment by the U.N. in the protection of human rights. But clearly the first and the third aspects of the so-called "double standard" do not present problems of justification as difficult as the second aspect. Once a right to self-determination is postulated (at least conceptually) for those *selves* who are hitherto subjugated *by the historic process of colonialism occurring since the 16th century onwards*, then inhabitants of the Trust and non-self-governing territories may be regarded as forming a special class, meriting special consideration and attempts at international protection. The question of placing the apartheid-prone South African nationals in a more privileged position than those of say, Greece, Haiti, or East Pakistan is and remains a difficult moral question, upon whose satisfactory resolution future progress in securing human rights uneasily depends. But by the same token, States which admittedly and systematically engage through their legal and other social control systems in the denial of human rights to groups of nationals under their jurisdiction seem not morally entitled to impeach the United Nations' differential treatment of them.

UPENDRA BAXI*

LETTER TO THE EDITOR

Dear Sir,

My comment "Just Law for Primitive Society" (1917) 6 *Syd. L. Re* 371, was written in 1969, some time before I actually came to Papua-Ne Guinea. The broad theme of the paper, which is essentially theoretical, h been supported by my actual observations since coming to the Territory. Ho ever, I would appreciate the opportunity to make some additional commen in the light of that experience.

1. There are probably about 4½ million people in New Guinea—includi West Irian. Nearly 3 million live under Australian control. There are 6 *language* groups but many language groups contain several tribes, each wi some different customs.

2. Some Niuginians did receive primary education before 1950, but ve few progressed any further.

3. My experience in Papua New Guinea, especially my investigations some aspects of the law of personal property lead me to suspect that in ma cases, there is no concept of a person having an individual property in la or chattels. More common is the concept of clan or family ownership. So of Pospisil's 'case' studies may therefore be limited in their application.

4. I am grateful for discussions with my colleague, Mr. T. E. Barn who has made considerable studies of customary marriage and sexual custo as reflected in customary law in Papua New Guinea. He has informed

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that the wildly conflicting attitudes to sexual behaviour and the importance of blood ties are a feature of the 'code of custom' in many areas of Papua New Guinea, and that this has led to bewilderment at the application of the Criminal Code.

This code, by the way, was drafted not by Stephen, but by Sir Samuel Griffith, using the models of Stephen and Macaulay.

5. The reference to "Australian Law" and *R.* v. *Parker* (1964) A.C. 1369 is inaccurate. *Parker's Case* does reflect the common law as applied in Australia, but in Papua New Guinea, as in Queensland, W.A., and possibly Tasmania where a Criminal Code applies the law is slightly different.

Yours faithfully,
JOHN GOLDRING
Senior Lecturer in Law
University of Papua and New Guinea.
9th November, 1971.

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