

MANUAL OF PUBLIC INTERNATIONAL LAW. By Max Sorenson (ed.). Toronto: Macmillan. 1968. Pp. LXV & 930. \$14.95.

This book is the result of a project sponsored by the Carnegie Endowment for International Peace begun in the early 1960's. The project's aim was "the preparation and publication of a textbook that would reflect objectively, from an international rather than a national point of view, the status and role of international law in the complex world of today."<sup>1</sup> To this end a group of international lawyers were asked to prepare drafts of chapters on various topics. These drafts were discussed by the group as a whole and revised. Each author, however, was free to retain his own ideas though not shared by others in the group. The result of this effort is not satisfactory.

In the first place, though the dust-jacket speaks of a "coherent treatise," there is not a constant philosophy of law underlying the various chapters. Clive Parry in his opening chapter on "The Function of Law in the International Community" writes:

The system of international law . . . must continue, so long as the world is divided into states, to assume and to accept the state. It is not impossible that the ideal of universal peace . . . can only be achieved by replacing the state with some other institution. It may also be that the methods which have been so far followed in the elaboration of international institutions are, in the light of the object to be attained, misguided. . . . It is perhaps at the circumference rather than at the centre that the conscience of the world should be represented. For it is at the circumference—in the capitals of the states rather than in the council rooms of the United Nations, that, limited though it may be in each place, all power and all strength lies. This is the inescapable basis upon which the present system of international relations depends and from which the present system of international law must take its shape.<sup>2</sup>

This fundamental view of the future of international law and relations is not borne out by other authors. In particular, there is Abdullah El Erian, in his piece on "The Legal Organization of International Society," who proclaims:

There can be no doubt that we are living in an age where the barrier of national sovereignty are being eroded by the ineluctable pressures of interdependence and internationalism.<sup>3</sup>

One can only hope that El Erian is correct. The future which Parry predicts is gloomy indeed. Nationalism and its corollary, the hungry protection of sovereign power, have destroyed many prospects for lasting peace and will only continue to do so. As Max Sorensen points out in his chapter on "Institutionalized International Co-operation in Economic Social and Cultural Fields," the nineteenth century witnessed the beginning of a proliferation of strong centralized institutions in response to problems which transcended national frontiers and which defied solution by individual states. It was realized that the surrender of power to these institutions meant, not loss of advantage, but real benefit to all participating states. We have not yet reached the point when states are willing to release power to an international organization in matters of vital interest and honor. But are we far from that day? Have we any choice in the matter? The threat posed by nuclear weapons, unlike any danger which has been before, imposes upon us *now* either a surrender of power to a centralized international organization or possible destruction of much of mankind. The distinction between the

<sup>1</sup> At viii. From the Preface by J. E. Johnson, President, Carnegie Endowment for International Peace.

<sup>2</sup> At 8.

<sup>3</sup> At 67.

view of Clive Parry, on the one hand, and Abdullah El Erian, on the other, is critical.

In the second place, the various chapters are not written to fulfil the same purpose. Some present a particular viewpoint: while the various competing theories are given, the author selects his favorite and supports it. Others merely survey the field and leave us with almost point-form outlines of the competing ideas in their area. The first approach is exemplified by Clive Parry in his two chapters on "The Function of Law . . ." and "The Law of Treaties." In the same vein, we have K. Skubiszewski in his chapter of "Use of Force by States. Collective Security. Law of War and Neutrality." The second approach is found in Michael Virally's chapter on "The Sources of International Law."

Thirdly, the book's production makes it difficult to read and difficult to use as a source of leads for additional information. The footnotes are put in the text in parentheses. The longer and more complete the footnote, the greater the break in thought as one is forced to pass over the note in order to find the continuation of the text. Many times no additional reference is given where it is obvious that one is called for. For instance, we are told "the view has been expressed (for example, by Bluntschli)."<sup>4</sup> But where? This inadequacy is compensated for, in part, by excellent bibliographies at the end of each chapter and a general bibliography at the end of the book.

The lack of cohesion in fundamental philosophy and approach, and the distracting style of publication make this book a somewhat unsatisfactory piece of joint research and writing.

—J. W. SAMUELS\*

<sup>4</sup> At 749.

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INTERNATIONAL LAW—A TEXT. By R. B. Jacobini. Nobleton, Ont.: Irwin-Dorsey. 1968. Pp. xv and 456.

THE DYNAMICS OF INTERNATIONAL ORGANIZATION. By Philip E. Jacob and Alexine L. Atherton. Nobleton, Ont.: Irwin-Dorsey. 1965. Pp. xvii and 723.

The new edition of Professor Jacobini's *International Law* is just over one hundred pages longer than the first which appeared in 1962. It remains, however, "an attempt to develop a relatively brief text which is nevertheless comprehensive. It is recognized that in so doing some topics must be dealt with cryptically, but this seems better than to leave them untouched on the one hand, or to try to exhaust every topic on the other."<sup>1</sup> There seems little excuse, however, to omit a chapter on international organization and to confine the discussion of, for example, the United Nations to a mere section (shared with NATO and regional organizations), on 'forceful procedures employed by International Organizations'<sup>2</sup> or to the role of the Assembly in lawmaking.<sup>3</sup> It is true that other references to the Charter and the United Nations as such are scattered through the work, but the student for whom the book is

<sup>1</sup> At vii.

<sup>2</sup> At 270-4.

<sup>3</sup> At 369-70.