mental relations. There can be very few who doubt that given the strictures of the British North America Act and the interpretations placed on it by the "divisions of powers" cases of the Privy Council and Supreme Court of Canada, many of the most important constitutional decisions are now made by governments in this arena. One is grateful to the author for a consideration of this process. So also we are grateful for a somewhat brief overview of constitutional change and constitutional goals found in the final chapter of the book.

The final question that remains is, "who benefits from the publications of this volume?" It seems clear to me that it will be very useful for those to whom it was apparently directed: students in undergraduate courses in departments of political science. On the question of whether it is of some utility to law students one must balance the large amount of useful factual material found in it against the dangers of over-simplification and dogmatism also found there. It could be most usefully read as a companion book to a preliminary course in public law in the first year of law school.

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INTERNATIONAL LAW AS APPLIED BY INTERNATIONAL COURTS AND TRIBUNALS. Vol. 1, 3rd ed. By Georg Schwarzenberger. London: Stevens, 1957; 2nd impression, 1969. xlviii and 808 Pp. £3.17s. 6d.

INTERNATIONAL LAW, THE LAW OF ARMED CONFLICT. Vol. 2. By Georg Schwarzenberger. London: Stevens, 1968. lv and 881 Pp. £8.8s.

INTERNATIONAL LAW. 2nd ed. By. D.P. O'Connell. London: Stevens; Toronto: Carswell; 1970. 2 Vols. xxxii and 1309 Pp. and index. £17, $48.65.

For many years now Professor Schwarzenberger has been a leading exponent of the inductive approach to international law and has maintained that an increasing role must be afforded in any approach to international law to the contribution made by international courts and tribunals, and especially by the World Court itself. He contends that, too frequently, commentators have tended to assume that international law is to be found in their own writings and the writings of their fellows, and that if States do not acually pursue policies reflecting these views then they are obviously in breach of the law. This *ipse dixit* attitude is becoming less common and writers generally are recognizing that State practice is entitled to at least the same amount of attention as the views of Professor 'X'. Schwarzenberger, on the other hand, has pointed out that one of the clearest manifestations of State views in practice is to be found in the judgments of tribunals that States respect, especially as the occasions on which such judgments have been disregarded are almost countable on the fingers of two hands. Moreover, there is a growing tendency for legal departments of foreign offices to support their contentions by refer-

ence to decisions of international tribunals, and only recently Prime Minister Trudeau has found it advisable to declare that since the World Court renders binding judgments in the field of international law, it is advisable not to recognize the jurisdiction of that tribunal on issues of vital interest in which, from the official Canadian point of view at least, the law has not yet clearly finalized.

When Schwarzenberger's *International Law as Applied by International Courts and Tribunals* was first published in 1945 the author found it possible to deal with the law of peace, the law of war, the law of international institutions and the law of international transport, labour and economic affairs all in one volume. Now the quantity of material that has become available, not only from the practice of the World Court, but by way of reports published by the United Nations and as a result of the jurisprudence of the bilateral commissions established under the European Peace Treaties as well as the European Court has enabled the author to divide the original one volume into a series. In fact, what is here described as Volume I only deals with the traditional law of peace, covering such matters as the foundations of international law, international personality, state jurisdiction, the objects of international law and international transactions. Volume II is devoted to what was formerly Part Six of Vol. I, and was then entitled 'The Law of War'. The impact of the United Nations Charter has led Professor Schwarzenberger to widen the scope of his subject and it now appears as *The Law of Armed Conflict.* This has been rendered possible because Professor Schwarzenberger has decided not merely to record the contribution of international courts and tribunals, but has added some reference to relevant municipal tribunals particularly with regard to war crimes, and has also introduced as a new feature to his whole work a large amount of philosophical and analytical treatment of the law involved as well as of the actual judicial application thereof. Eventually there will be a third volume devoted to the law of international institutions, and the whole exercise will be rounded off by a further volume on the perspectives of international law, the raw material of which will come largely from analysis of British judicial and diplomatic practice. When this final volume is available some of the present criticisms may disappear. At the moment, since the two volumes are concerned with international judicial practice there are inevitable *lacunae.* International tribunals have not made any major contribution to such matters as diplomatic and state immunities or recognition. There can be little doubt, however, that much of the law in these fields will become clear after the 'Perspectives' is published. Then we will have a masterly exposition of international law as it is practised and is respected by international tribunals and, presumably, Great Britain.

A more conventional type of textbook is Professor O'Connell's *International Law,* the first edition of which was published as recently as 1965. This work, like so many others written since the establishment of the League of Nations, omitted detailed reference to the law of war, while the discussion of international organization was only incidental. Nevertheless, O'Connell is the first major general treatise on international law to come from the English part of the English-speaking world and easily stands next to that *magnum opus,* and in the five years that have elapsed since its publication it has more than

proved its worth. While it may be too large to serve as a text for undergraduates it is of great value to graduate students, to foreign offices, practitioners and the like, while the undergraduate will find its copious quotations and extensive bibliographical references render it a most useful source book.

Much has happened since the first edition was published and Professor O'Connell has used his revision to draw attention to the changes that have taken place. Thus, the section on mandates and trusteeship has been reduced, while the references to self-determination have acquired added significance. At the same time, the discussion on diplomats and their privileges, together with that on consuls, has been amended to recognize the importance of the Vienna Convention, while the other important conference held in that city has necessitated some revision of the discussion on treaties. Acknowledging technological developments and their impact upon the law, Professor O'Connell has expanded his views on the law of the seabed, while paying due attention to developments in air and space law, as well as nuclear power and telecommunications. While there is still no direct analysis of the law of international institutions, Professor O'Connell has examined some of the more general problems relating to United Nations peacekeeping operations, and has considered the lawmaking role such institutions are now assuming. Enough has been said to show that O'Connell's *International Law* is one of the most outstanding general works on the law of nations to have been published for many years. In many ways it may serve as a supplement to Schwarzenberger's monumental study of the work of the World Court, since it deals with the problems that international tribunals have not yet had, and perhaps never will have, an opportunity to consider. At the same time, Schwarzenberger's analysis of the law of armed conflict supplements and makes up for O'Connell's silence in this field. Taken together, they form far more than a nucleus of a library in international law.

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