

INTRODUCTION TO INTERNATIONAL LAW. 6th Ed. By J. G. Starke, Q.C.
[Butterworths. £2.10s. 0d. soft cover; £3. 2s. 0d. hard cover].

Commenting on the 1951 second edition the reviewer in the *L.Q.R.*¹ noted that the approach was “traditional” while the *M.L.R.*² criticised Mr. Starke for the very slight coverage given to International Organizations. The two observations are complementary and little has been done to alter the situation in the ensuing editions. What was true of the second is almost equally true of the sixth, although the coverage given to International Organizations has been improved to some extent.

However what was noteworthy but possibly acceptable sixteen years ago may now be assuming the proportions of a serious imbalance which could affect the basic value of the work as an introduction to International Law (and it must be stressed that this work has many admirable qualities which make it still one of the best standard texts at present available). Trends in international law which were forming but whose size and direction were difficult to gauge at the time of the 2nd edition have in the interval strengthened considerably, for example the growth of regional organization; the increasing importance and quantity of international institutions and agencies; the character and number of international conventions.

While acknowledging the growing importance of the individual in international law Mr. Starke does not assign even a chapter to this topic. Instead the position of individuals is relegated to a general discussion chapter on the subjects of International Law and a short reference in a subsection (entitled “Human Rights and Fundamental Freedoms”) in Chapter II (“The State and the Individuals”).

More serious is the fact that the topic of sanctions in International Law goes virtually undiscussed. There is one brief section in Chapter 16 — (war, armed conflicts and other hostile relations) which is subtitled “Sanctions of Laws of War — War Crimes”. Apart from this the subject is only raised very briefly in a general sense on pages 27-28 at the end of Chapter I (Nature, Origins and Basis of International Law). But neither of these references are itemised in the index — indeed the word “sanctions” does not appear in the index at all. This subject is not only one which warrants the most serious consideration but also one in which there is much to offer the reader by way of general introduction — the problem of finding effective sanctions; the wide variety of sanctions unconventional in the narrow legal sense which might afford at least partial solutions; economic sanctions; the moral and procedural pressures which can be exerted by supervisory organs such as the I.L.O.; the place and scope of diplomatic sanctions (*e.g.* non-recognition); the past operation and future scope of U.N. armed intervention, “peace keeping” forces and observer teams. Both recognition and the peace keeping role of the United Nations are discussed but not in connection with the development, effectiveness or future of legal sanctions as such.

It remains to be stressed that these criticisms are a matter of personal preference in the last analysis. Thus it is clear from the Preface that Mr. Starke has deliberately avoided too much discussion of trends in development and changes in the structure of international law. He states that this book “does not

1. F.A. Mann — (1952) 67 *L.Q.R.* 412.

2. C.H. Alexander — (1951) 14 *M.L.R.* 525.

purport to deal with" all the "so-called growth points of international law" — although some are discussed or referred to. This treatment is adopted because they "still fall far short of being the end-products represented by rules laid down in law-making conventions or by generally accepted principles of customary international law."

Or again, in connection with the ultimate nature and basis of international law, it is stated "In the writer's opinion, the stand point of simplicity does much to dissipate the unnecessary complexities of theoretical analysis." The paragraph then goes on to state that the main reinforcing element is the insistence by states on their rights. Mr. Starke's conclusion is:

The ultimate reasons that impel States to uphold the observance of international law belong to the domain of political science and cannot be explained by a strictly legal analysis. In other words, the problem of the binding force of international law ultimately resolves itself into a problem no different from that of the obligatory character of law in general.³

Presumably it is partly these considerations which lead Mr. Starke to ignore the question of sanctions.

At this juncture two observations can be made. The first is in connection with the "growth points" of International Law. If one is to record only end-products actually achieved or generally accepted customary principles, the resulting picture in a flexible and rapidly changing subject such as International Law, is liable to be an outdated one. This is because end-products and accepted principles do not just spring up but are the result of accumulating causes. For an accurate contemporary picture at any given point of time an assessment of new "causes" needs to be balanced carefully against old "effects".

In the second place none of the above should be taken to imply that Mr. Starke does not refer to contemporary material. On this count his treatment is good. It is a question of what weight should be attached to such material and what assessments made or developments indicated. On these matters the present reviewer feels that Mr. Starke has often pursued too rigorously his logical premises of exclusion as set out in the Preface. In some cases this leads to incomplete coverage. In others it results in the writer merely setting down facts without attempting conclusions of any sort. [One notable exception is the short but well analysed discussion of international economic developments in Chapter 12 "The State and Economic Interest"].

Finally several points of detail. The index appears somewhat deficient. Apart from the absence of "sanctions", already mentioned, words such as "agent", "tribunal", "settlement", "accession", "acceptance" have also been omitted although there are textual references in each case which would warrant individual treatment in the index. Since this is an introductory work the Bibliography section is disappointingly short. There is no table of the major Statutes, Conventions and Treaties which are referred to in the text.

In Chapter 8 "Jurisdiction" section (b) the word "extend" is used in connection with diplomatic immunity in three different senses apart from its most usual one of "to lengthen" or "stretch out" (p. 226) — these are "scope" (p. 228) "to cover" (p. 227) and "to make larger" (p. 224). The result is some degree of ambiguity particularly at page 227 in the phrase ". . . immunity of diplomatic envoys extends in respect of acts in their private as well as in their 'official' capacity." Here "extends in respect of" is presumably intended to mean "covers". Immunity for private acts does not continue after termination of diplomatic service except in certain limited cases.

The volume reviewed is the "soft cover" version. The practice of introducing cheap editions which, as in this case, are only marginally cheaper (12/-) than the full dress version seems questionable. There is a need for cheap editions of standard text books. But to be a means of effective saving a much greater price margin should be created. It is noted in the present case that, apart from the soft cover, there is no difference between the two books. Yet additional savings could surely be made in paper quality, page dimensions and print size. In some other cases of cheap soft cover editions savings of up to 50% have been achieved.

G. COWPER-HILL.

3. p.29 last paragraph.