

AN INTRODUCTION TO INTERNATIONAL LAW. By J. G. Starke. [1958, London: Butterworth & Co. (Publishers) Ltd. xxi + 467 + 27 pp. index.]

The writing of any introductory text-book poses peculiar problems. The author must convey to the student meeting the subject for the first time some idea of its scope; he must offer him a useful classification; he should, ideally, give him a grounding in some of its more fundamental aspects, a basis on which to build to an advanced level; and he should be brief.

Such an undertaking in the field of international law involves additional difficulties. As compared with most other subjects usually taught in common-law schools, international law is very broadly-based; the ratio of secondary to primary sources is high, yet the official recognition of secondary sources means that they assume greater importance; international judicial decisions are not as easily sieved, as are municipal decisions, through the processes of over-ruling, disapproval and legislative reform; the approach tends, of necessity, to be more eclectic; state practice, with its attendant uncertainty, looms larger than custom in municipal law; the whole subject is generally regarded as being dynamic (if one likes it) or vague (if one doesn't).

The result of this is that whereas in other subjects a single text can serve both introductory and advanced ends, such a solution is not as easy for international law. I can think off-hand of no single text-book (as opposed to case- or course-book) purporting to take student from scratch to graduate level which has appeared in English since the last world war. The editing of the older treatises appears less and less as an elixir of life and more and more as formaldehyde. Oppenheim undoubtedly remains of value as a springboard for advanced work. Its text, however, can hardly avoid generalisation and the annotation (which, according to a reviewer of the last edition, comprises 60% of the book) must intimidate the newcomer more often than it helps him.

The tendency nowadays seems to be two-fold. Insofar as any single tome nowadays purports to deal with international law it does so either at an introductory level or as the basis of a particular course, and hence as an instrument of instruction to be used along with other materials. I am not suggesting that there ever was a time when the inward digestion of a single book was all that could be asked of the student. But I think there was a time when a single book could provide the student with an adequate framework and a sufficient but not excessive number of firm statements about his subject for him to criticise in the light of his own experience in an undergraduate course. So far as international law is concerned, that time seems to be behind us and we have fully embarked upon the era of multi-volume treatises and specialist works, even at the undergraduate level. And we have, at the same time and for the same reasons, seen the start of multiple international law courses.

The student, however, must still take that first step. In Commonwealth law schools, three books seem to vie for hegemony in the field of introduction to international law. Of these, Brierley's *Law of Nations* is the least ambitious and, for the purposes of the accompaniment of a first course as opposed to a precursor to it, the least satisfactory. Of the other two, Schwarzenberger's *Manual* is understood to be due for appearance shortly in a new edition, and Starke's *Introduction to International Law* is now with us after its fourth edition in twelve years, a fact which speaks for itself.

Since the preparation of the last edition which appeared in 1954, many developments have taken place. The *Minquiers and Ecrehos Case* (I.C.J. Reports (1953) 47); an expanding interest in Antarctic territory; Johnson's sponsorship of "consolidation" as a separate source of title, in B.Y.I.L. (1950) 332; the sudden present significance of outer space; the International Law Commission's Report and the Geneva Conference on the Law of the Sea; and the Suez affair have resulted in considerable re-writing of the chapter on State Territory. The above-mentioned developments in the law of the sea have also necessitated considerable alteration of the chapter on Jurisdiction as have recent development in the fields of sovereign immunity (*Juan Ysmael & Co. Inc. v. Government of Indonesia* [1955] A.C. 72; *Rahimtoola v. Nizam of Hyderabad* [1957] 3 All E.R. 441; *New York and Cuba Mail S.S. Co. v. Republic of Korea* (1955) 132 F. Supp. 84; *Bacchus S. R. L. v. Servicio Nacional del Trigo* [1957] 1 Q.B. 438; *National City Bank v. Republic of China* (1955) 348 U.S. 356); the Report of the International Law Commission and recent municipal legislation on diplomatic immunity; and recent treaty practice in the field of consular immunity.

Less drastically but equally thoroughly the rest of the book has been brought up to date. Reference is made to every international decision of significance since 1953 and the singular contribution of the International Court to an international *jurisprudence* in the form of another series of decisions concerned mainly with its own jurisdiction receives no less comment than it deserves (p. 328). The challenge of the Afro-Asian nations to the traditional Western and Christian basis of international law is noted (p. 12); nuclear armament development gets its mention (p. 92); the neutralisation of Austria (pp. 100-102) and the tail-end of the Abadan litigation (p. 103) are both referred to. Recent tendencies in the law and practice of recognition are added (p. 125) as are the effect on the regime of the Panama Canal by the new U.S. - Panama Treaty (pp. 172-3) and the establishment of "air defence identification zones" (p. 147). In the field of State Responsibility, the Report of the International Law Commission is considered (p. 217) and the *Ambatielos Case* discussed. The effects of recent decisions in the fields of nationality (p. 254) and extradition (p. 263) and the inauguration of the European Commission on Human Rights (p. 269) are all incorporated as are those of the Geneva Anti-Slavery

Convention (p. 271) and the cessation of hostilities in Indo-China (pp. 381-2). Package deals in the admission of new members to the United Nations are acknowledged as a factual reality whether they are a legal nullity or not (p. 441).

This is but a random selection of a large number of changes which amply justify a new edition rather than a reprint. The author has not rested content simply with the incorporation of recent developments, but has clarified some previously vague propositions, altered others which were misleading, referred to pre 1952 material which previously he preferred not to mention and omitted other matters which no longer warrant inclusion in an introduction. The overall impression is one of a conscientious effort to keep a very necessary book at the peak of usefulness, and it is a cause for congratulation that no increase in the size of the book has resulted.

Having done all this, it is perhaps a bit specious to complain that more was not done. Nevertheless, one important change that might have been has not been made. There could have been little quarrel with the classification which Starke adopted in its first edition. Times have changed. Whilst developments in most branches of the law have been sporadic and piece-meal, in the fields of international organisation and international economic law they have been rapid and continuous. From relative insignificance, these two have now taken places among the most important aspects of international law. To "International Institutions" Starke now devotes 56 pages, fewer than in the previous edition. International economic law receives no separate treatment at all, but remains as an adjunct to such topics as state responsibility. If the book is to achieve full flower and to retain its usefulness, subsequent editions must recognise these tendencies.

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