

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.

intended remains unenlightened as to the law of international institutions, even in outline form. This is perhaps understandable in view of Professor Jacobini's point of departure which emphasizes that "international law or the law of nations is concerned primarily with the legal relationships of states and to a lesser extent with the other entities which enjoy varying degrees of international personality."<sup>4</sup> While the reviewer agrees with those who deny international personality to the individual, including pirates and war criminals, he feels that the learned author goes too far in reducing his reference to the individual to two paragraphs concerning human rights, especially when he completely ignores the work of the European Commission and Court in this field.<sup>5</sup> And is it adequate to say *simpliciter* that "under some circumstances such persons as diplomats, heads of states, pirates, and military men have traditionally been accorded such personality"?<sup>6</sup>

In reviewing the first edition of this work the reviewer pointed out how easy it is for cryptic treatment of a subject to become subjective. He regrets that the instances he then mentioned—Poland's status as a Soviet ally, the effect of the Kellogg Pact on the legality of war—remain in the 1968 edition.<sup>7</sup> It is pleasant therefore to note that, although there is no reference to the possible 'client' character of South Vietnam or Formosa in so far as the United States is concerned, there is a softening of the comments on the Soviet attitude to international law,<sup>8</sup> and an acknowledgement that the United States role in the Bay of Pigs experiment was probably contrary to law,<sup>9</sup> while the Cuban quarantine finds its legality in self-defense.<sup>10</sup> It is also interesting to note that, despite the attitude of the United States, he still considers that "a good case can be made for the view that [the] rules forbidding gas and bacteriological warfare are binding in custom as well as by convention."<sup>11</sup>

While this *Text* is probably insufficient for examination purposes where most students are concerned, it raises a number of issues that may serve as starting points for class discussion and more detailed reading. It is also valuable to find, however cryptic the background, recognition that "the new and small states are among those the most committed to the ideals of the law of nations. . . . In the last analysis it is indeed clear that the new states are pressing for revisions in international law, but it is not evident that there is anything constitutionally deviationist about their behavior."<sup>12</sup> Too many students seem to believe that the panacea for the ills of the world is world government. They would do well to read Professor Jacobini's comments on 'new foundations and international government':<sup>13</sup> "[W]orld government must become politically palatable before it can become a reality. The fact that it may be in the long run the only logical solution to the world's most pressing problems, is irrelevant so long as this fact is not widely appreciated . . . [and] if war is prevented it is not law which will do it, but

<sup>4</sup> At 2.

<sup>5</sup> At 363-4.

<sup>6</sup> At 363.

<sup>7</sup> At 57, 18.

<sup>8</sup> At 35.

<sup>9</sup> At 79.

<sup>10</sup> At 268.

<sup>11</sup> At 314, n. 91.

<sup>12</sup> At 368.

<sup>13</sup> At 364-6.

rather the circumstances of politics."<sup>14</sup> Until then, however, "law will continue to smooth the relations of states on a less highly charged level. Thus the real crux of the matter is not how international law as such can be made more effective, but a frank recognition that the heart of the problem of international relations is not primarily legal but political."<sup>15</sup>

To some extent, the deficiencies in Professor Jacobini's *International Law* with regard to international organization are made up by *The Dynamics of International Organization* by Professors Jacob and Atherton. This emphasizes the modern difficulty in drawing the line between international law and relations when dealing with problems of international organization. For this reason, it constitutes an admirable text for students of international law who need some form of political background in order to understand some of the current issues which are affected by—or in their turn affect—international law. It also serves the needs of students of political science coming to international law for the first time, and who may find that a work like Dr. Jacobini's is rather too much of a skeleton for them.

The first part of the book, devoted to the struggle for peace and security, gives a more than bird's-eye-view of the issues which have come before the United Nations in this field and for this reason the fact that the book is four years old is not a major defect. Nevertheless, it is interesting to be reminded that in 1965 it was possible to say that "[w]hile no permanent settlement of the Egyptian-Israeli conflict is in sight, UNEF has apparently insured the stability and peace it was its purpose to secure. The quiet that now prevails is a tribute to the successful resolution of extremely delicate problems which the United Nations, particularly the Secretary-General, confronted in the course of organizing the force and placing it in operation."<sup>16</sup> In view of the criticism that has been levelled at U Thant for withdrawing the Force at Egypt's request it is useful to have the authors' summary of the events leading to its deployment, for these show how difficult this was.

Too often, comment on the role of the United Nations in the Congo gets bogged down by consideration of the military operations. Here, the balance is preserved by providing a resumé of ONUNC's civilian operations as well.<sup>17</sup> It is also useful, in view of the recent declaration from Rhodesia regarding its republican status, to be reminded that the United Nations became interested in the problem of independence for Southern Rhodesia well before the unilateral declaration of independence or the British referral of the issue to the Organization.<sup>18</sup>

Taken together, these two books will provide an introductory background to what may be described as international relations and world law.

—L. C. GREEN\*

<sup>14</sup> At 365, 371.

<sup>15</sup> At 371.

<sup>16</sup> At 179 (italics added).

<sup>17</sup> At 672-6.

<sup>18</sup> At 670-1.

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