

Book Review: An Introduction to International Law, by J. G. Starke

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Book Review

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STARKE, J. G., *An Introduction to International Law*. Fourth edition.
London: Butterworth & Co. (Publishers) Ltd., 1958. Pp. xxi, 467.

This book is of great value for the prospective international official or the diplomatic recruit who may wish to obtain a clear and concise picture of international law. One should not expect, however, to find in it any consistent historical or philosophical approach to the law of Nations. The practical standpoint prevails throughout and the author himself takes pains, in his Preface, to make it clear that the book is addressed to "those who will have to deal with the subject in actual practice". This, of course, restricts its usefulness but it certainly reflects, on the part of the author, a better appreciation of the actual

value of his book than was the case when, in the Preface of his first edition (1947), he addressed it to university students as well. As far as the latter are concerned, the book might come in handy as a supplement to the case method; however, there is no dearth of other treatises and manuals that will provide the student with more stimulating thinking on the basic issues that confront us today. It would have been useful, for instance, to have the author's thoughts on the fact that "new States (in particular the Afro-Asian group which held a Conference at Bandung . . .) have challenged certain of the basic principles of international law" (p. 12); likewise, it would have been of "practical" use, even in a book which purports to offer an *Introduction to International Law*, to discuss at some length the implications of the Soviet approach to the State and the Law (although it must be admitted that most recent treatises leave this subject aside). However, bearing in mind these limitations, it must be said that Mr. Starke's *Introduction* justifies the description printed on the jacket, commending his "attractive style and lucid exposition". He gives a concise yet accurate statement of the Law, although his conciseness may at times lead him to deal perfunctorily with major controversies, e.g., the international as against the national standard as a basis for State responsibility.

This fourth edition brings the previous one (1954) up to date by dealing with questions that have arisen since that time. Among these, the rights of user of the Suez Canal subsequent to Egypt's nationalisation in 1956 are discussed, along with the closure of areas of the high seas for the purpose of thermonuclear experiments and the launching of artificial earth satellites.

As to the nationalisation of the Suez Canal, the author puts forward a brief but convincing argument to the effect that the rights to use the Canal are not dependant on Egypt's discretion, but are vested rights of an international character and he refers to a number of documents to support this view (p. 172). One would have wished that he had dealt in like manner with the problem of the closure of areas of the high seas for purposes of thermonuclear experiments (p. 211). Ten lines altogether are devoted to its presentation. The two opposing views, namely that such closures are a direct invasion of the freedom of the open sea or that, on the contrary, they are permissible as a reasonable measure of self-defence, are mentioned without further comment. The author might have given us his opinion or at least referred to some of the better articles on both sides of the issue.¹

The *Anglo-Norwegian Fisheries Case*² is re-assessed, in the light of the International Law Commission Report on the law of the sea (1956). The decision is still termed "revolutionary" (as in the previous edition), but we are told that, "since the Court pronounced judgment, there has been evidence in Great Britain of a current of opinion that

¹ E.g., Margolis, *The Hydrogen Bomb Experiments and International Law*, (1955), 64 Yale L. J. 629; McDougal and Schlei, *The Hydrogen Bomb Tests in Perspective: Lawful Measures for Security* (1955), 64 Yale L. J. 648.

² (1951), I.C.J. Reports, 116.

the principle of the three-mile limit should be dropped in favour of a belt more in accordance with the modern economic requirements of States". As the evidence for this current of opinion is said to be a letter published in the London *Times* on January 9, 1952, it seems that the decision of the Court should be considered quite conservative rather than revolutionary!

All in all, Mr. Starke's book is a welcome addition to the English literature on International Law. There exist many manuals or *précis* in other languages but very few in English and the present book, apart from a few lacunae already mentioned, fills this need very adequately.

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