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

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Book Review

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that the preparation of this companion piece to Ontario Succession Duties is well advanced. It is to be hoped that it will appear at an early date.

Perhaps one may be permitted, in reviewing a book for a law school journal, to say something about the exorbitant price of legal texts from the standpoint of the student. I appreciate fully that Jameson on Ontario Succession Duties is intended primarily for the legal practitioner and it may be that $15.00 is not an unreasonable price to a practitioner. It certainly is not out of line with the price the practitioners have grown accustomed to pay in recent years for legal texts published in Canada. I hasten to add, too, that in this instance the publisher was extremely generous in granting a discount to students well in excess of the ten percent normally granted. It may be that in a period of rising costs in every phase of book publication and an extremely limited market that we, in Canada, can hope for no better than this. But I am appalled that a text of great value as a reference book in at least two courses on the law school curriculum should be beyond the reach of eighty percent of the students who might be expected to buy it. I refuse to believe that the students of this generation are any the less interested in book purchases than they were in former times. The disappearance of the book buying tradition in my opinion can be attributed directly to lack of sufficient funds. The annual cost of legal education per student is in the neighbourhood of $1,620.00 and second only to that of the medical schools, and yet the financial assistance available to law students is strikingly and deplorably lower than in any other discipline.

And while we are at it let us not forget the bedevilled professional law teacher whose annual expenditures on necessary acquisitions to his library are or should be as high or higher than his brethren in the practicing profession but whose tax relief in this matter is absolutely nil. One wonders if it has ever occurred to the taxing authorities that a greater command of one's field through wider reading may also be reflected in higher salaries and consequently in higher taxes.

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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.\footnote{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.}

The Anglo-Norwegian Fisheries Case\footnote{(1951), I.C.J. Reports, 116.} 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
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.

J.-Y. MORIN


The role of real property law as a training and discipline essential in the education of a lawyer much as Latin and Greek are essential background for the classical scholar has been fostered in the law schools by treating the subject as a history course, included in the curriculum more out of respect for the past and its institutions than for its relevance to contemporary conditions. Particularly in a Torrens system jurisdiction, the tendency has been to relegate real property law to obsolete status. Students have graduated from western law schools totally unaware of any relationship between their first year course on real property law and their second or third year course on the land titles acts, the dichotomy being so complete.

Professor Laskin's Cases and Notes on Land Law illustrates an approach to the study of real property which treats it as a vital subject. The development of real property law is brought forward to the present day, and the rules are re-examined in the light of modern conditions. Viewing real property law as a vital subject developing in a Canadian context, what place may be assigned an English text book?

In this reviewer's opinion, historical background cannot profitably be taught by the case method considering the demands of the subject of land law and the time limited to its study. Able textbooks are indispensable for this purpose. In the search for such a book, some deplore the reform legislation of 1925 which has burdened the modern English text book with material foreign to our system. However, this reviewer considers that the legislation of 1925 has enhanced rather than diminished the usefulness in a Canadian law school of a modern English text book on real property law. The writer of an English text is now required to treat pre-1925 law in reduced proportions. When the historical law is thus reduced, and when the author is as gifted as G. C. Cheshire in the art of concise and interesting exposition, the result is a valuable introduction to land law in Canada. Nor are the post-1925 chapters a complete loss, for they offer the student a

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