

BOOK REVIEWS

The International Legal System, by W. E. HOLDER, B.A., LL.B. (Hons.) (Melb.), LL.M. (Yale), DIP. INT. LAW (The Hague), Senior Lecturer in Law, Australian National University, and G. A. BRENNAN, LL.B. (Hons.) (Melb.), LL.M. (London), DIP. INT. AND COMP. AIR LAW (London), Senior Lecturer in Law, University of Melbourne. (Butterworth and Company (Australia) Ltd 1972), pp. i-xl, 1-1048. P/B \$19.00, Cloth \$25.00 ISBN: P/B, 0 409 43601 1; Cloth, 0 409 43600 3.

International Law has hitherto been one of the few fields of law that has been without its "Cases and Materials" book specially designed for Australian readers. The case-law (or Socratic) method of teaching, which in its various manifestations is now widely applied in Australian law schools, demands a focal point for advance preparation and class discussion. "Cases and materials" books fulfil this function and are also found useful by practitioners as a starting point for research or for refreshment of perspective. It has long been clear that a response to the challenge of producing a book suited to the needs of those engaged in the practice, study or teaching of international law in Australia would be assured of a ready welcome.

To speak of a specifically Australian perspective on international law has only been possible since World War II. And even in the past two decades the realization of the importance and relevance of international law has only slowly taken hold in Australia. Australian governments are coming to realize that specialized international law skills are required if Australian interests are to be adequately protected and advanced. Commercial lawyers are increasingly called upon to understand the international law framework of investment, taxation and multinational enterprises. The subject has at last found itself a permanent place in the curricula of every Australian law school.

Normally such a book stands or falls by the judiciousness of its arrangement and selection. But the authors of *The International Legal System* have done more than this; they have contributed approximately one quarter of the total text themselves in the form of topical expositions, comments and notes. The book thus deserves to be judged also on the merits of the considerable amount of original writing accompanying the selected readings.

On both counts the authors have achieved a notable success. Their selection of cases and readings is imaginative, representative of different points of view, and balanced. They have also given proper space to the reports and debates of international law-making bodies, such as the Sixth Committee and the International Law Commission, giving readers the perspective that is so often lacking in the traditional text books. Although the overall structure of the book, in its divisions and sub-headings, is suggestive of the Lasswell-McDougal school, the authors

maintain a neutral stance in their original contributions to the text, at times expositive and at times stimulative of further reflection. These contributions are most effective in maintaining continuity and in presenting the materials in an intelligible context, a feature noticeably lacking in many other books of the type. The reader may therefore obtain an understanding of a particular topic without necessarily resorting to collateral reading in text books.

The book is divided into 11 major parts. Part 1 deals with the nature of international law and with the debate concerning the effectiveness of international law; the approaches of new States and of the Communist countries are fairly represented. Part 2, which is devoted to the subjects of international law, includes a discussion of "transnational groups" such as governmental groups, private associations and corporations. Parts 3 and 4 are given to "bases of power"—territory and resources, and people. In these sections the law of the sea, acquisition of territory, air law, nationality and movement of persons are treated. These parts find their natural counterweight in "strategies"—treaties, diplomacy and coercion—which form parts 8, 9 and 10 respectively. The remaining parts concern such traditional topics as jurisdiction, state responsibility and peaceful settlement of disputes. The Australian perspective and practice is outlined and documented in every topic treated, as well as being reflected in the amount of space devoted to topics of particular concern to Australia, such as the law of the sea and the resources of the oceans. The authors have brought together an impressive collection of Australian policy statements and extracts from parliamentary debates, and in this service alone could have deserved the gratitude of all those who have hitherto found such sources to be elusive. In the presentation of essential data effective use is made of charts and diagrams.

The present reviewer might, if he were selecting the readings, have chosen some but not others, extended here and abbreviated there. But these cannot be points of substantive criticism since they reflect only personal predilections. The aims of such a book, after all, are to stimulate further reading and discussion and to present a balanced overall view. This the authors have undoubtedly done. It should also not go unremarked that the technical presentation of the work is of an exceptionally high standard reflecting credit on the publishers.

I. A. SHEARER*

Conflict of Laws in Australia, by P. E. NYGH, LL.M. (Syd.), S.J.D. (Mich.), Professor of Law, University of Sydney (Butterworth and Company (Australia) Ltd, 1971), pp. 1-19, 1-808. P/B \$15.00, Cloth \$19.50 ISBN 409 43750 6.

The first edition of the work was published in 1968, and was reviewed in 3 F.L.Rev. 307. The principal change made in the 2nd edition is that Professor Nygh is now the sole author with the result that the chapters on property matters and negotiable instruments previously written by

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