

BOOK REVIEWS

VÖLKERRECHT-Edited by E. Menzel and Knut Ipsen: Verlag C.H. Beck-Munchen, 1979. Pp. 578. 45.-D.M.

This abridgement of public international law merits the attention of foreign readers, especially American readers, if for no other reason than that it is one of the most successful textbooks on the subject used by students in the Federal Republic of Germany. After the untimely death of Eberhard Menzel, who initiated the book, Professor Knut Ipsen, of Bochum University, relied on a number of Menzel's collaborators to prepare the second edition. Rainer Lagoni, Siegfried Magiera, Ondolf Rojahn, Hans-Jürgen Schmidt, Reinhold Thode, and Eckart Wehser teamed with Professor Ipsen to assemble this collection of fifteen chapters dealing with the essential traits of public international law.

The second edition of *Völkerrecht*, like the first edition, is designed as a teaching instrument and considerable effort is made to familiarize readers with the evolution of public international law since the publication of the first edition in 1962. Topics considered include the history, legal nature and bases, and sources and subjects of public international law. In depth treatment is given to the State as an international person; international organizations; diplomatic and consular relations; the law of treaties; international responsibility and international penal law; maritime sovereignty and the law of the sea; air and space law in an international context; the prohibition of force, the maintenance of peace and pacific settlement of disputes; and armed conflict and neutrality.

The authors perceive the principal challenges to international relations to be the maintenance of peace and the safeguarding of the fundamentals required for individual and group existence. The instrumental function of public international law *vis-a-vis* these challenges entails intergovernmental contacts and collaboration. Chapter by chapter, this instrumental calling is set forth as it permeates the diverse topical area; procedures are offered for transnational lawmaking, for promotion of interstate cooperation, and for the establishment of international organizations. Equally stressed are the rules of conduct for nations and their subjects and the mechanisms of surveillance and control that are meant to,

or in fact do, contribute to the implementation of international law precepts.

The historical emergence of present day canons of international law is demonstrated, notably in regard to the prohibition of war as a legitimate instrument of external and internal policy and in regard to the widening of powers entrusted to international judicial bodies. The new dimensions of the international community are not neglected, as due consideration is given to the increasing relevance of international law beyond the realm of its European and Atlantic Basin origins. For example, areas analyzed include the new categories of international persons beyond the States, the deemphasis upon national sovereignty characterized by a gradual submission of shares in the reserved domain of governments to the prerogatives of intergovernmental entities, and the institutionalization of international cooperation beyond the jurisdiction of international organizations. Evident throughout the book is the desire of the authors to limit their discussion of intergovernmental entities to a rundown of problems and to restrict their abridgement to a summary of essentials. The specialized writings on these particular topics have evolved from the convictions of the authors, especially in regard to the discussion of the European Communities and the United Nations "family."

There are, of course, a few critical comments to be made. For example, it is debatable whether consular relations ought to have less modest treatment in a student abridgement. Clearly the status and functions of foreign service officers is of practical interest both to potential recruits and to the legal profession generally. A similar concern arises in regard to international organizations as sources of law in light of their growing impact on national and international law-applying agencies, national and international judicial bodies, and internationally-oriented public and private attorneys. The growing number of international civil servants also suggests that fuller treatment of international organizations is warranted. Among other difficulties with the text is its treatment of monetary systems. Since gold has lost its calling as a measure of value, it would seem surprising if the European Communities were still using the yellow metal as a yardstick of their own community-wide unit of account, as the textbook under review wrongly asserts. On another topic, it is uncertain that diplomatic missions enlarge do to the permeation of diplomatic and consular functions. In fact, it is likely that the motive for the enlargement of diplomatic missions is the inclination of consular

personnel serving in a foreign capital city to seek the benefits of privileges, immunities, and exemptions afforded members of diplomatic missions.

The issues ensuing from the juxtaposition of universalism and regionalism in public international law might deserve greater depth in exposition and comment, especially in light of the poignant uneasiness of developing nations faced with principles of "traditionally worldwide" scope that have clear European and Anglo-Saxon origins. Accordingly, the statement that only the Soviet Union and its satellites have fostered regional precepts of international conduct might have benefited from a close look at practice and opinion in newly-emerged nations in Africa, Asia, and Latin America. More surprising is the flat conclusion that States devoid of a long tradition are at liberty to honor rules that emerged before their independence or to interpret them in their discretion if the existence or meanings of such rules are the subject of debate or contest.

In conclusion, reference should be made to the excellent chapter on treaties by Lagoni and the first-class contribution on the status and treatment of aliens by Wehser. Indeed, acknowledgment of these fine passages sets the tone for the assessment of the whole treatise. It compares well with the foremost books in English and French written for similar purposes. This reviewer has never hesitated to recommend the textbook to students for introductory and for refresher readings. Such frailties as the aforementioned should not detract from the genuine appreciation due to this successful product of a team inspired by its faith in the legacy of the treatise's initiation.

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