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REVIEWS

International Law. By Prof. L. OPPENHEIM, M.A., LL.D. Third ed., by RONALD F. ROXBURGH. (Longmans, Green & Co. Vol. I, 1920; Vol. II, 1921. £3 12s. net.)

THE new edition of the late Professor Oppenheim's treatise on International Law is welcome. For concise information on the subject with which it deals this book is the best of the English works on international law, particularly for the reader who comes to it without extensive previous acquaintance with the subject.

The ten years which elapsed between the second and third editions cover the period of uneasy calm which prevailed in Europe before the war, and the whole period of the war itself, a peculiarly important period, for the war has changed men's outlook as to what international law is and what it stands for. The Austinian theory of law was widespread in this country before the war, and it came as a shock to many people in the early days of the struggle to find that the body of rules known as international law complied with none of the canons of the Austinian school. No wonder that the man in the street exclaimed in his haste that international law was dead! He found that no swift retribution overcame the evildoers who broke its rules; he found even that there was no clear agreement as to what the rules were which were said to be broken. He learned, and he learned for the first time, that the rules of international law were only rules of gentlemanly behaviour among States; rules which indicated the standards to which Governments must conform, if they wish to be respected by other Governments and to escape criticism among their own people.

The first volume of the new edition of the treatise was published in 1920 and comprises so much of the subject as deals with peace. Oppenheim's own work on the revision of this volume was well advanced at the time of his death, and the changes necessitated by the war in this first section of the work were less far-reaching. The establishment of the League of Nations was the chief new feature to be taken into account in this part of the work, and Oppenheim died too soon to be able to estimate how the scheme for the creation of the League would work. On the whole his estimate of its worth is accurate, though the defects in the scheme which he enumerates will not strike anyone who has had experience of the working of the League as very serious or very sound.

It is not, however, in the domain of international law that the League of Nations will have its most striking effects, but in the political sphere. The maintenance of peace, the settlement of disputes, disarmament and similar great achievements will not by themselves modify the rules of international law. It is only the machinery of the League as it affects the conduct of the relations between States that comes within the purview of a book such as that under review, and all these aspects of the working of the Covenant are well described. The assertion, however, on p. 269, that the League of Nations is an international person and a subject of international

law seems dangerous and inaccurate. That the League will become a "super-State" is the excuse for much of the covert obstruction and hostility to which the League is subject, and if once it is admitted that the League is a unit in international law, on a level with States, even though *sui generis*, the powers of control with which its organs are invested will make it in very truth a super-State. The League is in reality nothing more than a machine for the better conduct of the foreign relations of States, and this point of view should be resolutely maintained by all well-wishers of the League. On this basis alone can it thrive.

The second volume, dealing with war and neutrality, was less advanced at the time of Oppenheim's death, and in all these branches of the subject the editor's task was much heavier. Mr. Roxburgh is to be congratulated upon his work. He has woven into the text neatly and successfully the Prize Court decisions and the controversies of the late war without any attempt to over-elaborate the details. Professor Garner's book, *International Law and the World War*, one of the series of such works instituted by Professor Oppenheim, has rendered the inclusion of a mass of details on international law controversies of the late war unnecessary. All that a treatise of a general nature should do, and all that the new edition of Oppenheim attempts to do, is to define and use the events of the late war merely to illustrate them.

Whether either Professor Oppenheim or Mr. Roxburgh, whether, in fact, any teacher or writer on international law, has gauged correctly the extent to which the old rules on questions like contraband or blockade have passed away is another matter.

It is more than likely that it will be found that many of the new practices in matters of contraband and blockade introduced during the late war were no more than reasonable adaptations of the old principles and that they required no basis of retaliation to justify them. If that should be the line of future agreement, it is clear that much of the text-books must be rewritten, but no writer could venture to-day to relegate the old rules to the scrap heap; they must at present be treated as the basis of the existing law.

The least satisfactory section is that dealing with contraband, for here it is fairly plain that in great part the old rules are obsolete, and the attempt to set out both the old rules and the new practice makes the section rather confusing.

Altogether the new edition is a praiseworthy production. Its bulk is becoming a serious matter; the two volumes between them are nearly six inches thick, but the type is good and the paper is light. Future editions, however, should not be allowed to get still larger; new matter ought to be balanced by equivalent excisions, and there are some sections which are less important than the others.

The book was brought out when costs of production were at their highest, but even so, £3 12s. is a large sum to charge for a work for which a large circulation is so desirable.

The Argentine Republic. By PIERRE DENIS. Trans. by JOSEPH McCABE. (T. Fisher Unwin. 1922. 21s. net.)

M. PIERRE DENIS is already known to careful students of South American life through an English version of his book on Brazil. His latest work records the results of much personal observation in the