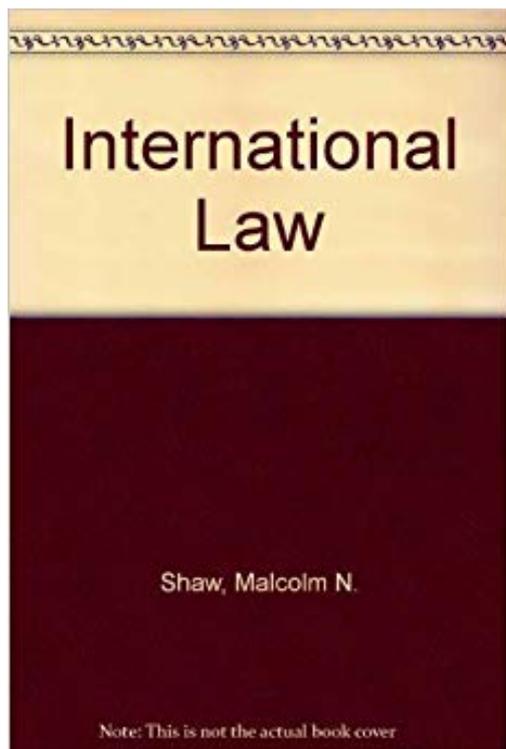


## International Law *by* Malcolm N. Shaw



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This updated edition of a popular textbook on international law includes a new chapter on International Environmental Law, and takes into account such recent significant developments as the Kuwait crisis, the responsibility of international organizations and the growth of international human rights law.



## Reviews of the *International Law* *by* Malcolm N. Shaw

Zeus Wooden

I. In my Junior year at University, I was required to purchase this book for a 300 level International Law class (which was considered introductory). My entire class dreaded this book, as did every student I spoke with who had taken this class prior to me. The form is absolutely awful, its drier than the Sahara, and sloppy at that. The fact that this is considered an introductory book to International Law frightens me.

II. Shaw's writing style seems to be contradictory with what every Writing 101 teacher would

instruct you to do, "When possible, use simple words, and try to keep sentences short and concise". Shaw does not only abuse semicolons, he militantly does so. He often uses legal terminology as if it were common sense without explanation, and his use of obscure words to explain otherwise common ideas is aggravating.

Example: (This is a "full sentence" taken directly out of the book, what it means is still quite a mystery to me, but the book is rife with this type of language.)

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III. I am wholeheartedly convinced that this entire book could be reduced a quarter of its weight if Shaw were to revise his sentence structure and cut out the bloat. Dividing the main body of text from the footnotes with a simple line, would alone, significantly increase readability. Putting a space between paragraphs would do wonders as well. As far as the pathological use of semicolons, when listing something, bullet points are very useful.

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The complexity of international law does not arise solely from the content of its statutes but also from the legitimacy of its enforcement. The laws of cities, states, and nations are typically accompanied by a monopoly on how to enforce these laws. Their citizens have agreed to conform to these laws and their legitimacy as cities, states, and nations arises from this agreement. If citizens choose to violate these laws they are punished accordingly. But what entity oversees the punishment when laws between nations are violated? Such laws come under the umbrella of international law, the subject of this book, and their enforcement is only possible if the nations agree to this enforcement.

The question of enforcement usually arises in the context of the legitimacy of the use of force or acts of war between nations, and is dealt with in some detail in this book. But there are many other aspects of international law that are discussed, and some readers may want to deal with the sheer size of the book by selecting those areas they are most interested in. A study of international law has become essential in today's world, due in part to the many wars that have broken out, some of them definitely bearing the mark of aggression and "war crimes", but also because of trade and patent disputes, along with the availability of complex financial products that need to operate across borders.

The book is heavily referenced, satisfying those skeptical readers who need to delve into even more of the details. The author presents international law as a 'separate system' of law, as one that is not merely an adjunct to the laws of two or more countries. There is no legislature, no system of courts, and no institution to establish legal rules. Thus enforcement becomes an issue, at least if one insists on comparing international law with domestic law, and thus the author raises the question early on as to the status of international law as actually being a legitimate subfield of legal thought. It seems that the concept of coercion and its use is essential for qualify a system of statements as being a legal system. The author addresses these issues early on in the book, and as expected he concludes that one cannot ascertain the character or nature of international law solely with respect to a definition of law based on sanctions. His goal then is to find out why states feel compelled to follow the statutes of international law. If they do not, then he believes no system of international law can exist. It follows immediately that compliance among nations is a necessary condition for international law. As a system of legal thought, international law governs 'patterns of conduct' that nations are to comply with. A search for "stability" and "predictability" compels different nations to respect the system of international law. 'Reciprocity' and risk aversion may dissuade states from violating these agreements, since there is no international police force to punish violations.

The author also traces the history of international law, which as a legal body of thought primarily has its roots in the last four centuries, but whose underpinnings can be trace backed for thousands of years. Very interesting in his treatment of this history is the origin of 'natural law' which he traces back to the ancient Greeks and taken up (oddly enough) by the Romans. The doctrine of natural law has a few noted adherents of late, including a few who sit on the United States Supreme Court. But as can easily be ascertained by perusing the author's history, international law is well represented geographically and culturally, a fact that is sometimes forgotten in Western culture. This "Eurocentric" view however has been weakened for the last several decades according to the author. Philosophical speculations, theology, and political science of course 'have played a role in the content of international law, and in this regard the author discuss the impact of positivism. Marxist-Leninist doctrine of course played a huge role especially in the late nineteenth century and all through the twentieth century. Modern developments in the legal theory of international law have been very influenced, as has every other realm of human activity, by mathematics, particularly in the use of game theory and decision theory. The author discusses this briefly, along with "feminist" approaches to legal reasoning.

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If countries or states had laws on their books that directly conflict with international law or are at odds with it to some noticeable degree then a resolution or compromise must be found. Thus the 'municipal laws' of a state must be related to the legal frameworks of international law, and the author devotes an entire chapter of the book to this topic. He outlines briefly the different schools of thought on this relationship, before he decides on a "realist" approach to this issue, and he clearly supports the notion that international law cannot be evaded by a state by applying its internal legal

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