



BOOK REVIEWS

A Text Book of International Law, by SATYAVRATA R. PATEL, Asia Publishing House, 1964, pp. xii and 322.

The book under review is intended by the learned author to 'prove useful in providing basic insights into the science and even the intricacies of international law', and further, to 'serve as a reference book to lawyers and diplomats, besides being useful to law teachers and students'. In view of limited dimensions and capacity of this book, one wonders whether it would serve adequately to fulfil these ambitious aspirations of the learned author.

The book has been divided in twenty chapters and the author has made the commendable effort of compressing the more important branches of international law in about 300 pages. Naturally, therefore, there is only a brief, though generally lucid, exposition of the salient features of the topics dealt with.

The learned author has largely adopted the traditional pattern in dealing with various subjects, but at several places he has put forward his own thesis. He has certainly tried to give the different points of view, but at certain places he has not taken the discussion to its logical conclusion and has left the reader in a fix. For example, in Chapter II, while dealing with the origin and history of International Law, he puts forward the view that the 'latest discoveries show India is the earliest part of the world to achieve civilization and hence it is natural that international law properly developed there first' (p. 10). Immediately thereafter, in the same paragraph, he adds 'Oppenheim observes that international law is the product of Christian civilization and began gradually to grow during the last four hundred years', and he abruptly stops the discussion there, without trying to differentiate or reconcile the two obviously conflicting statements and without suggesting to the reader which one to accept.

Similarly, at some places the learned author has arrived at conclusions which are not tenable. He has expressed the view (p. 36) that the (late) Prime Minister Nehru had enunciated a doctrine 'analogous to the Monroe Doctrine' in his many statements made after 1946. It is difficult to believe that the late Prime Minister would have conceded that his views regarding colonialism, imperialism and non-alignment in Power blocs be treated merely as 'analogous' to the Monroe Doctrine.



In the chapter on Recognition (pp. 45 ff.), the learned author has made certain misleading and even incorrect statements. It is not true that 'a large number of states is unrepresented in the UNO'. Moreover the recognition of a state or government and the membership of the UNO are two distinct things and it is not correct to give the impression as if the representation of a state in the UNO is conditional on its recognition by 'one or the other major power'. Even if the entry of a new state to the UNO is vetoed by a permanent member of the Security Council, it does not prevent that member to grant recognition to that new state.

The learned author has laid much stress on the Nuremburg Trial. It is no doubt true that it 'constitutes a milestone in the progress of international law' (p. 185), but it is doubtful if it has 'made future world wars almost impossible'. Similarly the statement that 'International Law is now no longer regarded as a branch of ethics shows an erroneous assessment of the historical development of International Law. A long time back it was recognised that International Law is a separate branch of jurisprudence and not merely a part of religion or ethics.

In conclusion it can be said that the book under review is one more addition to the existing similar books on the subject by Indian writers, although it is slightly different in its approach. But in certain respects it is also deficient even in comparison to them. Perhaps a more critical approach to the current problems and elaboration of new trends were expected from an author, who is fortunate in having the experience both as an advocate and a law teacher.

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