

Book Review

Eric Heinze and Malgosia Fitzmaurice, **Landmark Cases in International Law**, London/The Hague/Boston, Kluwer Law International (1998) pp. i–x and 1–1376

The present volume is a casebook in a category of its own. On the one hand, the editors have to be complemented. They have put together 35 cases of the International Court of Justice and a few other important courts, which may safely be counted amongst the 50 or so of the most important judgments for public international law that were handed down so far. These cases are grouped in nine chapters, from ‘Customary Law, General Principles and Subsidiary Sources’ via ‘Treaties’, ‘State Responsibility’ and others to ‘Settlement of Disputes’ and ‘Use of Force’. Consequently, one finds in each chapter between two and six cases.

On the other hand, selecting and grouping the cases into the chapters is also all the editors have done. The passages reproduced in the book generally represent the full text or at least the main parts of the full text of the judgment. There is virtually no selection being made as to which parts of a judgment are important and which are less so. Kluwer Law International’s advertising text praises this method as ‘*excerpts in extenso*’ which ‘provide a *greater volume* of case law than that currently available on the market’ (second emphasis added). And this is really what this book is about: Volume. According to the publisher, the book ‘contains no editorial commentary and no secondary literature, as these are widely available in other works’. One might add that the book also does not contain an index or a case register or any other help for the reader beyond the naked but extensive quotes from the original judgments. Index, registers and some indication of what are the most relevant passages are, however, not widely available otherwise. While the judgments, as reproduced here, would seem to be widely available – increasingly on the Internet, in fact.

This brings us to the question who would be interested in buying this book. In the publishers view, the book ‘will be of inestimable value to all libraries of international law, large and small, institutional and private. No student or practitioner in the field should be without it’. Given the price tag of NLG550.00/USD297.00/GBP187.00, this needs to be qualified! The only person who really needs this book is somebody who does not have access to a decent library and who does not know how to find the cases on the Internet or otherwise in electronic format. For all others, in particular for practitioners, professors and students, the book is of very limited use, since the editors have made no effort whatsoever as to making the texts more easily accessible to the reader, with the sole exception of printing them in one volume. Recommending this book to students, no matter how wealthy and advanced, would seem unethical to the present reviewer. Instead, the material as presented here, to which neither Kluwer Law International nor the editors have a copyright, should be made available for free on a well-organized website, to the extent that this is not already the case.

For a second edition, I would recommend that the editors go over the judgments carefully and do what editors are supposed to do: edit them in order to present them in an value-added format for the reader. The hundreds of pages that will be saved in the process should then be used in three ways: by adding an index and a case register (not for the 35 cases but for the hundreds of others that are mentioned in the judgments), by adding editorial comments as to the significance of the judgments and their context in time and substance, and, finally, by bringing down the price to a more realistic level.

Frank Emmert