proaches to the study of conflict, including many that smaller libraries may indeed lack. Moreover, there is no question that the editors have succeeded in advancing their case for the wisdom of interdisciplinary research; whether their work—flawed by an ambiguity of definition and some seemingly inexplicable lacunae as well as inclusions—achieves their higher aim of ridding the world of the "war system" is less clear. Most readers will emerge from this book persuaded of the multi-causality of conflict, but without any clear understanding of the causal paths to conflict. Perhaps a concluding essay—of the quality of the introductory sections in each part—would have aided in this regard.

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Essays on the Development of the International Legal Order. Edited by Frits Kalshoven, Pieter Jan Kuyper, and Johan G. Lammers. Alphen aan den Rijn and Rockville: Sijthoff & Noordhoff, 1980. Pp. xi, 226. Dfl.100; $50.

A *Festschrift* such as this book of essays dedicated to the memory of Professor Jonkheer Haro Frederik van Panhuys (1917–1976) often fails to have a unifying substantive theme, and on that score the present book is worse than average; it appears to be nothing more than what the writers happened to be writing at the time they were asked for contributions. Making matters more difficult for the scholar is the fact that good essays in books such as these tend to get "lost" since, unlike articles in journals, they are ignored by many indexes and compilations. On the other hand, one would not want to discourage the idea of honoring scholars by such appropriate academic testimonials. On balance, then, a *Festschrift* may enrich the literature, which makes it an agreeable task for a reviewer to mention the noteworthy essays contained therein.

An important essay in this collection is *General Principles of Law Recognized by Civilized Nations* by Lammers, one of the three editors of the volume. The notion of "general principles" in Article 38 of the ICJ Statute is the subject of voluminous literature, amply cited by Professor Lammers; however, the literature on the whole is extremely disappointing. Many extravagant assertions have been made, but very little in the way of theory has been offered to back them up. The present essay at least indicates some of the problems, although it too lacks a theoretical basis. For example, Lammers believes that principles of law which are only recognized on a regional scale could nevertheless be used by the Court in cases involving countries within that region. He likens this to the Court's use of regional custom as in the *Asylum* and *Right of Passage* cases, as contrasted to Article 38 which refers to custom as "general practice." But there are two fundamental problems with Lammers's analogy. First, regional or special custom is entirely different from general custom in that the latter need not entail a showing of specific implied or expressed consent on the part of the state against which the custom is asserted.[1] Second, because of this consent

[1] I have developed this argument in D'Amato, *The Concept of Special Custom in International Law*, 63 AJIL 211 (1969).

element, special custom may take precedence over general custom in the same way that a treaty can derogate from customary law. But what if there is a conflict between a universal general principle and a regional general principle? Lammers fails to test his example against such a possible conflict. And if he were to do so, the edifice he erects might collapse, since it would appear that a "general principle" is part of international law precisely because it reflects a deep universal commitment that may not have had the occasion to be translated into customary practice. Such a deep commitment would appear to be contradicted by a "regional principle" to the contrary. And yet there is no logical need to consider a "regional principle" except in those cases where it is in fact contrary to general principle, for otherwise the latter would simply be cited and the former would be rendered otiose.

Seidl-Hohenveldern has some interesting remarks on *The Social Function of Property and Property Protection in Present-day International Law*. He feels that compensation must be paid when a nation expropriates a foreigner's property, although not necessarily full compensation. However, his remarks are discursive and serve at best to highlight some of the prominent contentions that have been made in this field, including the lump sum compensation agreement study of Richard Lillich and Burns Weston.[2]

Three essays in this volume address the problem of enforcing international law. Tammes contributes *Means of Redress in the General International Law of Peace*. His essay is deceptively well organized; it appears to cover most of the forms of sanctions. Yet the lack of an organizing theory means that many ideas may fall between the cracks. The author seems unaware of the critically important contributions to his subject matter of Roger Fisher and Michael Reisman, even though he shows familiarity with many other American authors. Kiss is the author of *Mechanisms of Supervision of International Environmental Rules*, a review of treaty enforcement mechanisms that appears rather obvious. Riphagen weighs in with *Mechanisms of Supervision in the Future Law of the Sea*, an interesting description of enforcement mechanisms contained in the Informal Composite Negotiating Text of the sixth session of the UN Conference on the Law of the Sea.

Henkin contributes an essay entitled *Resolutions of International Organizations in American Courts*. It is—as usual—clear, brief, and authoritative. Somewhat longer and equally scholarly is Alkema's *The Application of Internationally Guaranteed Human Rights in the Municipal Order*, by which "municipal order" he means that of the Netherlands. Purely national impact studies such as these, however, are as likely to cloud as to clarify the international legal picture. One would hope that more scholars would follow the lead of Schreuer in undertaking multinational impact studies of international legislation and resolutions.

Other authors represented in this collection of essays (and a brief indication of their topics) are: Lachs (ICJ's Revised Procedure), Mosler (case law of the European Court of Human Rights), Schermers (international law in the Court

[2] R. LILLICH & B. WESTON, INTERNATIONAL CLAIMS: THEIR SETTLEMENT BY LUMP SUM AGREEMENTS (1975). Reviewed by A. Fatouros in 71 AJIL 363–65 (1977).

of Justice of the European Communities), and a translation of the two final chapters of van Panhuys's last work, *Het Recht in de Wereldgemeenschap.*

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State and Class: A Sociology of International Affairs. By Ralph Pettman. New York: St. Martin's Press, 1980. Pp. 270. Index. $25.

"I am convinced," writes the author at the outset of this discerning but often difficult volume, "that the study of global politics proceeds the wrong way around," *i.e.*, mainly according to general principles adduced from "the flow of diplomatic traffic . . . , the well-springs of foreign policy and the way such policies interact." To explain "the international events that move over and around us" and simultaneously to allay "a growing . . . feeling that the discipline is less than 'relevant'," it is necessary, he contends, "to reach for arguments in terms of the overall social structure of the contemporary world and the fundamental social forces at work there." A Senior Research Fellow in the Department of International Relations at the Australian National University, Pettman strives to locate and give explicit recognition to the "political sociology" of international affairs.

Arguing first and convincingly the existence of a world culture and society, each reinforced and uplifted by "the advent of global norms" in the form of Western-inspired conceptions of individual and collective human rights, Pettman then evolves his central thesis: that "the social structures most characteristic of our age" are those of state and class; that these structures are fundamentally influenced by the "three basic global trends" of industrialization, urbanization, and bureaucratization; ergo, that it is essential to account for these trends, both within and across national frontiers, to approach proper understanding of world affairs, in particular the twin dynamics of global social ordering (international law) and global social change (world conflict). "We need to fasten upon social formations and the development and dissemination of [system-shaping] values," the author writes; "[w]e need . . . a notion not only of [world] *system*, but also of [world] *society*."

In presenting this thesis, Pettman pays uncommon respect to the development theorists, recently emerged political economists, and other "structuralists," as he calls them, "who [variously] apply neo-Marxist/neo-Leninist paradigms to their understanding of world affairs." But never without appropriate qualification. The "structuralist perspective," he observes—and which he sees as usefully highlighting "the uneven spread" of the global wealth (industrial-technological) process by its accent on "the horizontally arranged [socio-economic] hierarchies that run across [national] boundaries"—exaggerates the part played by "the logic of an emerging world capitalist market" and, moreover, fails to account adequately for the balance-of-power influence stressed by the counterpart "pluralist" school. Actually, Pettman is sharply critical of the "pluralist perspective" as well, which he describes as depicting a multitude of formally equal states "ostensibly serving each one's needs [and the wider common interest, as *severally* defined] while bargaining with and balancing out