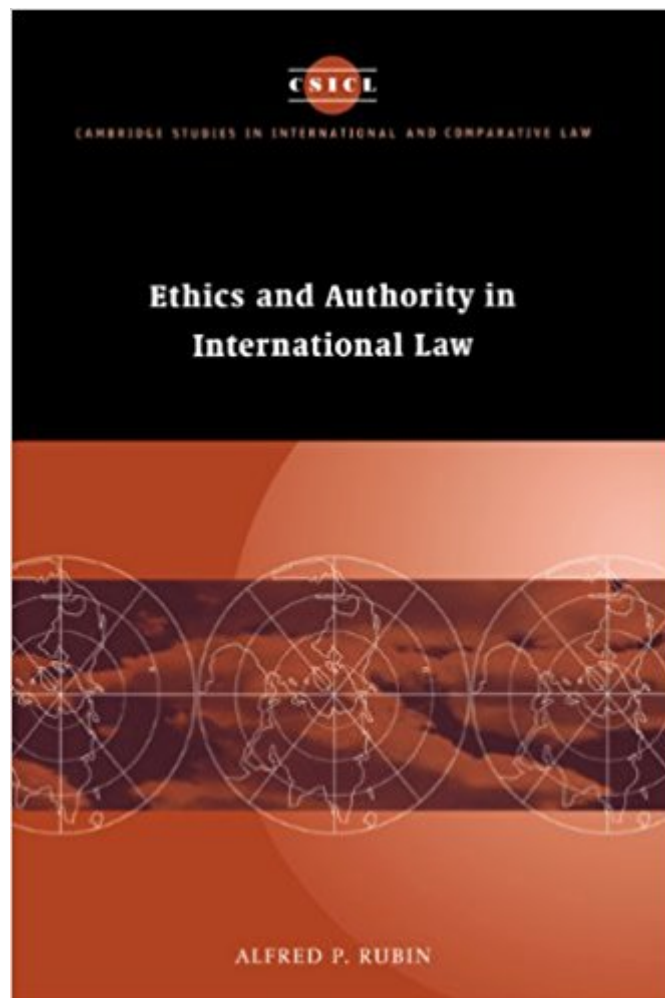




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Ethics And Authority In International Law (Cambridge Studies In International And Comparative Law)



Synopsis

The distinguished international lawyer Alfred Rubin argues powerfully that disagreements that have existed for thousands of years among lawyers, ethicists, and political scientists are unlikely to be resolved soon. Current attempts to make "war crimes" or "terrorism" criminal under international law seem doomed to fail for the same reasons that attempts failed in the early nineteenth century to make piracy, war crimes, and the international traffic in slaves criminal under the law of nations.

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"The book is a well argued articulation of a positivist understanding of authority in international law. Its particular focus on universal criminal jurisdiction is timely in light of the expanding scope of international humanitarian law and the ad hoc and permanent criminal tribunal projects.

Observations are always informed and insightful; the style is witty with engaging turns of phrase."

Ralph Wilde, Yale Journal of International Law" This book comes highly recommended for anyone who is beginning to study, or ready to test his/her perceptions of the essence on International Law."

ASIL Newsletter" This is a complex and important work. International law academics need books of this type that force us to introspection and towards a more rigorous reconciliation of 'desirable' and 'feasible'. Every international scholar should read Ethics and Authority in International Law. It is valuable on many levels -- for one example, as a review of some of the classics of international law that are often forgotten as we undertake increasingly narrow research on topics of current interest.

The subject of the book is important and timeless. It is also timely.... we owe Professor Rubin a

debt of gratitude." John King Gamble, Canadian Yearbook of International Law 1997"Starting from a substantive analysis of universal criminal jurisdiction, Rubin presents a sustained argument against the 'conventional wisdom' that he claims dangerously distorts our understanding of the international legal order." The American Journal of International Law"Rubin's book is valuable because he analyzes, and encourages us to evaluate, the jurisprudential assumptions at the base of institutions like international criminal courts." Jean J. Davis, International Journal of Legal Information"This sobering assessment of international law argues that modern efforts to punish terrorism and war crimes will founder on the same issues that hindered attempts to stop the slave trade and piracy in the early nineteenth century..." Columbia College Today

This text argues that current attempts to make 'war crimes' or 'terrorism' criminal under international law seem doomed to fail for the same reasons that attempts failed in the early nineteenth century to make piracy, war crimes, and the international traffic in slaves criminal under the law of nations.

Alfred P. Rubin's "Ethics and Authority in International Law" is a stunning example of what can only be described as a lack of knowledge about the subject of which he writes. Rubin's premise is simple, namely, that authority should determine everything in international law and that ethics is relevance only to academics and theorists. While this may be an interesting basis for argument, Rubin does not argue well, mistakingly assuming that obligation and right proceed from a source of authority when, in fact, the relationship is precisely the opposite. He rejects all notion of universal moral standards, basing his argument on the "sanctity" of the principle of sovereign equality. In short, he seeks to have it both ways and thus, his argument is not compelling at all. Most disappointingly, he is given to quoting authors selectively and shows a very weak understanding of Latin terms. His arguments strike me as benefiting from the fact that he writes about international law from the United States. One cannot help but wonder if he would be so strident with his arguments were he writing from the perspective of a state with less power and influence in the international system. In conclusion, this is a disappointing work. Mr. Rubin identifies himself as a legal positivist and that school of legal thought does present some provocative ideas on law, morality, ethics, and authority. Sadly, however, this work by Mr. Rubin does not suggest that he is a very good student.

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