

sharply undercut by his failure to construct the historical foundation and political analysis necessary to support them.

FRANCIS A. BOYLE  
*University of Illinois*

*A Calendar of Soviet Treaties 1958-1973.* By George Ginsburgs and Robert M. Slusser. (Alphen aan den Rijn and Rockville: Sijthoff & Noordhoff, 1981. Pp. xx, 908. Index. Dfl.300; \$150.) Drs. Ginsburgs and Slusser continue in this volume the use of techniques found successful in their earlier *Calendar* of 1959 to discover hard-to-find foreign relations documentation of the USSR. They examine not only standard treaty series of the USSR, the United Nations, and treaty partners, but also journals, newspapers, and even memoirs. The result is a compendium of information going far beyond treaties to cover communiqués, statements, memorandums, and even news reports. All entries include dates of ratification by the USSR and coming into force. Without question, the use of this method makes the *Calendar* unique.

The key chronological listings are supplemented by a country index that facilitates research on Soviet foreign relations with the country concerned. Thus, the reader can trace limited concern with Rwanda or Guyana, or widely developed concern for relations with France or Czechoslovakia. Research librarians will find the *Calendar* invaluable, of course, but even the browser who looks beyond the endless columns of type can glean general impressions of the trend of politics, for the USSR has become one of the principal molders of international law. Although custom has for decades been accepted by Soviet diplomats as a source of law, there is still preference for the creation of law through agreement. This method permits control as custom does not. Even the columns on multilateral treaties are given political significance by the inclusion of notations on Soviet reservations. It becomes evident that the USSR rejects third-party interpretation if its bargaining power is sufficient to permit it to do so.

JOHN N. HAZARD  
*Board of Editors*

#### CORRESPONDENCE

##### TO THE EDITORS-IN-CHIEF:

Authors should normally take in silence any criticism from reviewers. But Howard Levie, in his review (77 AJIL 383 (1983)) of the book we edited, *Documents on the Laws of War* (Oxford University Press, 1982), relies heavily on one argument which is both central to the character of the whole book and based on a faulty reading of it. We thus feel bound to reply.

Levie accepts the principle of selection of documents which was set out in the book: "Emphasis is firmly placed on the laws of war which remain applicable today." But he questions whether we have followed our own criterion. Two matters are cited:

(1) In pointing out that we omitted the text of the 1907 Hague Convention III Relative to the Opening of Hostilities, he asks, rhetorically, whether the editors are therefore saying that this agreement "is not applicable today"? How-

ever, in the introduction, under the heading "Principles of Selection in this Volume," we state that this Convention was omitted because it relates more to *ius ad bellum* than to *ius in bello*. This is again indicated on page 43.

(2) He says:

And while they include the 1923 Hague Rules of Aerial Warfare because they "largely corresponded to customary rules and general principles underlying the laws of war on land and at sea," they omit the 1909 Declaration of London on the Laws of Naval Warfare. Does this mean that the Declaration does not, in any part, correspond to "customary rules and general principles underlying the laws of war . . . at sea"?

The vital word "because" in the above sentence is misleading. As is amply clear from pages 17 and 121–23 of our book, our main reason for including the 1923 Hague Rules was that they clarify an aspect of the laws of war which is not covered by any international agreement in force. On the same criterion, the text of the 1909 London Declaration (which is twice mentioned in the book) was deliberately omitted.

In short, if we are to be charged with not following our own criteria of selection, we would prefer to be criticized on the ground of our actual reasoning, as stated in the book, and not on the basis of what our criteria are presumed, incorrectly, to have been.

On the issue of whether our book is necessary at all in view of Schindler and Toman's excellent and much larger collection on the laws of war, every other reviewer of our book has reached a conclusion different from that of Dr. Levie. Moreover, Dr. Jiří Toman, whose generous encouragement and advice is mentioned in our book, has all along seen the point of a book of documents which, by focusing on the currently applicable laws, could be less heavy and expensive than his own volume, and more up-to-date: a view which he has emphatically reiterated since publication of our work. But this is a matter on which opinions may differ, and it is not for us to quarrel with Dr. Levie's view: only with the particular argument about our selection of documents which he makes in his review.

ADAM ROBERTS  
*St. Antony's College, Oxford*

RICHARD GUELF  
*Coudert Frères, Paris*

*Howard S. Levie replies:*

I have never believed that any reviewer should be called upon to vindicate his personal reactions to and criticisms of the book reviewed; and now that I have had an adverse criticism contained in a review challenged by the editors of such a book I see no reason to change that position. Perhaps my feelings about the book reviewed were influenced by the fact that I have grave reservations as to the propriety of taking a collection of documents on a highly specialized and somewhat esoteric subject successfully put together by other editors, sifting its contents, and then producing it as a "new" volume—particularly when this procedure is subsequently justified by the scholarly reasoning that such a volume would be "less heavy and expensive."

I would add one point: the examples I gave in my review and which the editors now attempt to justify were exactly that—examples only. Others could have been given.